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Woman Personified: A Theoretical Framework for the Female Gender of Personifications in Medieval Literature

Dinah Wouters

Personifications in medieval literature have for the greater part appeared in female form. In being personified, an abstract concept is translated to a "sentient human capable of thought and language, possessing *voice* and *face*."[1] The concept receives a human identity, and included in that identity is gender. Which gender it receives is partly dependent on the grammatical gender of the noun, and this explains why personifications are mostly female: abstract nouns tend to be feminine. However, the implications of the social identity of personifications should not be disregarded. Even if grammar determines the gender of a personification, it is clear that the gender of a personified figure in its turn determines how this figure is described, what she can and cannot do, and how she relates to others in a narrative. In fact, it is plausible that the female gender of personifications is essential to how that personification functions, so that grammatical gender would be overruled if it would not align with social gender. So, when asking why personifications are so often female, it makes sense not to draw the line at grammar.

Therefore, we should not reduce personifications to grammar, but neither should we do the reverse and reduce them to the concepts that they stand for. The latter is a way of thinking about personifications that is apparent in Barbara Newman's book *God and the Goddesses:*

1. James J. Paxson, *The Poetics of Personification* (New York: Cambridge University Press, 1994), 42.

Vision, Poetry, and Belief in the Middle Ages.[2] This book was the first to comprehensively engage with the gender of personifications. It brilliantly describes how feminine aspects of God are personified and function as mediators between humans and the divine. Newman calls these allegorical figures "goddesses" instead of "female personifications" in order to stress the fact that these figures were not mere literary ornaments, but instead enjoyed a high degree of spiritual reality and were integral to the kind of thinking that she calls "imaginative theology."[3] However, Newman starts out from the observation that "[t]o conceive of goddesses . . . is not to evince any particular attitude toward women. It is simply to exercise the religious imagination."[4] I want to suggest that Newman's own book indicates otherwise. I do not contradict the fact that many medieval personifications carry deep spiritual meaning, only that this would make them immune to social meaning. We should not deem personifications, as representations of the religious imagination, to be uninfluenced by the workings of social identity. Gender is essential to ideational constructs as well.[5]

Many scholars have expanded these grammatical and theological views on female personifications to explanations based on gender theory. In this article, I would like to map the different theories that have been proposed and offer a framework for uniting them. The problem with the literature on this subject is not that there is a lack of valuable propositions, but rather that most authors position themselves exclusively against the theory of grammatical determinism and not in relation to

2. Barbara Newman, *God and the Goddesses: Vision, Poetry, and Belief in the Middle Ages* (Philadelphia: University of Pennsylvania Press, 2003).

3. Newman, 292–304. Newman defines imaginative theology as follows: "Imaginative theology is the pursuit of serious religious and theological thought through the techniques of imaginative literature, especially vision, dialogue, and personification" (292).

4. Newman, 39.

5. As is attested to by the work of Caroline Walker Bynum: *Jesus As Mother: Studies In the Spirituality of the High Middle Ages* (Berkeley: University of California Press, 1982); *Holy Feast and Holy Fast: the Religious Significance of Food to Medieval Women* (Berkeley: University of California Press, 1987*); Fragmentation and Redemption: Essays on Gender and the Human Body in Medieval Religion* (New York: Zone Books, 1992).

other theories. Because of this, multiple partial theories exist whose only lack is that they claim exclusivity; they actually do not contradict each other, but can, on the contrary, be fitted into one framework.

I want to base this framework, first, on the existing research on sex, gender, and sexuality in the Middle Ages. The field is enormously fruitful, which will allow me to build my arguments about personification on these theories without further argumentation on my part about the nature of medieval sex, gender, and sexuality; references will suffice.[6] I will only give an introduction as to how this literature corresponds to the theoretical framework that I want to use, which is Simone de Beauvoir's existential philosophy of gender as developed in *The Second Sex*. Of special interest here is the relation between binary and hierarchical conceptions of gender. I will then bring together in this framework the critical literature on personification allegory by giving an overview of the arguments that are used to explain the female gender of personifications. I will distinguish three levels to which these explanations refer: the personifier, the personified, and the personification as a literary figure. The first is the representation of a female figure at the literal level; the second is the idea that is represented by that female figure and after which she is named; and the third is the literary practice of personification. These terms are borrowed from James Paxson, who models them on the structuralist concept of a sign as consisting of a signifier and a signified. The personifier is described by him as "a standardized narrative actant: s/he is a mobile and active human being, endowed with speech, and representative of a specific psychological, physiological, and ideological constitution."[7] The personified is what gets "figurally *translated* into the personifier."[8]

My goal is to show that the same concepts reappear at every level.

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6. My main sources are the work of Caroline Walker Bynum (see note 5); *Framing medieval bodies*, ed. Sarah Kay and Miri Rubin (Manchester: Manchester University Press, 1994); Ruth Mazo Karras, *Sexuality in Medieval Europe: Doing Unto Others* (New York: Routledge, 2005); *The Oxford Handbook of Women and Gender in Medieval Europe*, ed. Judith M. Bennett and Ruth Mazo Karras (Oxford: Oxford University Press, 2013).

7. Paxson, *The Poetics of Personification*, 40.

8. Paxson, 40.

These concepts that one finds governing the ideational value of the personified concept as well as the dominant literary discourse about personification are the same ones that structure gender relations. Therefore, the choice for a female personification character indicates a use of the social structures of gender at every level of the personification allegory. In short, the article provides a structured overview of research that corroborates the hypothesis that the appearance of female personifications as literary figures entails the use of women's bodies both as bearers of symbolism and gender roles in a patriarchal society.

I define personification, following Paxson, as "the translation of any non-human quantity into a sentient human capable of thought and language, possessing voice and face."[9] Paxson categorizes personification as a subset of anthropomorphism ("the figural translation of any non-human quantity into a character that has human form"), which is in turn the subset of the general category substantialization ("the figural translation of any non-corporeal quantity into a physical, corporeal one").[10] A personification figure has to possess voice and face, which means that the figure should be described and should speak. Personification allegory is thus more than a trope. To say that the Church is the mother of the faithful is to use personification as a trope, but the Church becomes an allegorical character only when her appearance is described in a text, when she interacts with her children and speaks to them.[11] This is the actual subject of the article, but because there is much useful literature on the use of the gendered metaphors closely connected to these personifications, I will also refer tothis literature to corroborate my argument.

Personifications may embody either "concepts, values, abstractions or

9. Paxson, 42.

10. Paxson, 42.

11. Paxson distinguishes between personification figures, which are "all implementings of the trope personification in narrative, in the short lyric, in drama, in non-verbal arts, in rhetorically ornamental fictional dialogue or in everyday speech," and personification characters, which is "the employment of the trope in the narratorial invention of actual characters, objects, or places that occupy the material space-time of the fabular, or 'story' level of a narrative text." Paxson, 35.

generalities."[12] This article focuses on those "concepts, values, abstractions or generalities" that are valued positively, because it is there that modern (and sometimes pre-modern) readers discern a paradox: why would a society that generally devalues the feminine in favor of the masculine represent its highest, most noble or most divine concepts as women? Of course, what also has to be taken into account is the sheer force of tradition. The decisive factor in making personifications female is the fact that there is a literary tradition of female personification. Still, it is the way in which the gender of these personifications is then used rhetorically that is of interest here. Furthermore, my framework only seeks to explain the female gender of personifications on the theoretical level; how personifications might function in the practice of reading and what ethical implications might follow is not further elaborated.

This article gives a structured overview of the hypotheses that have been posited with regard to the female gender of personifications in medieval literature. Sometimes these hypotheses are founded on texts from other historical periods as well; I take these into account when I think they may prove useful for medieval texts. I have thus tried to be as inclusive as possible, with the consequence of making generalizations that disregard the specificity of historical periods, literary genres, and individual authors. However, my article is meant first and foremost as an aid to further and more specific research on the topic. Not all hypotheses will apply equally to any specific personification or allegorical text, nor will they apply as straightforwardly and harmoniously as is assumed here. Especially considering the fact that the concept of gender itself is constantly in motion and made up of constantly shifting relations, it is obvious that a general framework can never capture this complexity. However, a broad overview of all the elements that could be taken into account when assessing female personifications can still be useful. It can provide a touchstone for measuring the similarities between and specificities of individual texts.

12. Daisy Delogu, *Allegorical Bodies: Power and Gender in Late Medieval France* (Toronto: University of Toronto Press, 2015), 20.

Simone de Beauvoir's Philosophy of Gender and Medieval Conceptions of Gender

I want to build my framework on the principles structuring gender relations that we can derive from Simone de Beauvoir's classical work *The Second Sex*. This existential-phenomenological study of gender looks at Jean-Paul Sartre's process of "othering" in its most basic form, namely the relation between man and woman.[13] Just as every individual is a radically free self who reduces others to the objects of his/her consciousness, woman has been made the object in relation to man the subject: "She is defined and differentiated with reference to man and not he with reference to her; she is the incidental, the inessential as opposed to the essential. He is the Subject, he is the Absolute—she is the Other."[14] Woman is thus defined as the object of a subject that is both positive and neutral. When she is opposed to man, she is viewed negatively. In a binary opposition, man and woman, or masculinity and femininity, are characterized respectively as rational and irrational, transcendent and immanent, active and passive, productive and reproductive, individual and collective, spirit and body. However, woman is not only associated with the negative. Because she is everything that man is not, she is both what he fears and despises, as what he hopes for and desires. De Beauvoir explains how woman, as "the Other," can be both evil and good: "The Other is Evil; but being necessary to the Good, it turns into the Good; through it I attain to the Whole, but it also separates me therefrom; it is the gateway to the infinite and the measure of my finite nature."[15]

13. Simone de Beauvoir, *The Second Sex*, trans. H. M. Parshley (London: Alfred A. Knopf, 1997).

14. de Beauvoir, 16.

15. de Beauvoir, 175. "She is all that man desires and all that he does not attain. She is the good mediatrix between propitious Nature and man; and she is the temptation of unconquered Nature, counter to all goodness. She incarnates all moral values, from good to evil, and their opposites; she is the substance of action and whatever is an obstacle to it, she is man's grasp on the world and his frustration: as such she is the source and origin of all man's reflection on his existence and of whatever expression he is able to give to it . . . He projects upon her what he desires and what he fears, what he loves and what he hates. And if it is so difficult to say anything specific about her, that is because man seeks the whole of himself in her and because she is All. She

Nature and the bodily existence of humans can be valued either negatively or positively. When women are opposed to men and placed lower in the hierarchy, women are viewed negatively, but inasmuch as they complete men and provide the material foundations for humankind, they are viewed positively. So, on the one hand, we must attend to the principles that structure the relation between self and other, namely hierarchy, relationality, and the union of opposites, and, on the other hand, we must take into account the specific characteristics that are ascribed to women in this system: immanence, which involves corporality and sexuality, mediation, and collectivity. These characteristics are ascribed to women because they describe a principle that is lower in the hierarchy, that complements the higher principle to which it is opposed but also essential. How do medieval conceptions of gender correspond to this theory? We find that, if we want to give a general overview of medieval *systematic thinking* about gender (which is, of course, different from the lived experience of gender), these principles apply very well to the Middle Ages. I am taking the broad category of "gender in the Middle Ages" here to refer to the structures of gender that supposedly did remain stable through the myriads of changes, negotiations ,and contestations that make up the concept of gender at any given time and place. Concepts such as the relation between self and other or the immanence that is ascribed to women seem broad enough to carry all of the theories that I will discuss and that pertain to different times and places. The crucial point in my discussion will be how binary and hierarchical ways of seeing gender are related.

In 1990, Thomas Laqueur proposed a radically new way of looking at the history of sex and gender in his seminal work *Making Sex: Body and Gender from the Greeks to Freud*.[16] Building on Michel Foucault's theories of sexuality and his own extensive study of historical accounts of anatomy, he posited that the western model of looking at sex and gender is only as old as the Enlightenment. Before that period, he claims, "men and women were arrayed according to their degree of metaphysical

is All, that is, on the plane of the inessential; she is all the Other" (229).

16. Thomas Laqueur, *Making Sex: Body and Gender from the Greeks to Freud* (Cambridge, MA: Harvard University Press, 1990).

perfection, their vital heat, along an axis whose telos was male."[17] So, not only gender but also sex was a matter of degree and place in the hierarchy. In fact, Laqueur asserts that, whereas we now view the physical body as "real" and cultural meanings as "epiphenomenal," earlier periods would have seen sex as an epiphenomenon to the primary category of cultural gender: "To be a man or a woman was to hold a social rank, a place in society, to assume a cultural role, not to be organically one or the other of two incommensurable sexes. Sex before the seventeenth century, in other words, was still a sociological and not an ontological category."[18] However, medievalists have contested the extent to which Laqueur's concept is applicable to the Middle Ages. Joan Cadden, while admitting that there is much evidence for Laqueur's "one-sex model," points out that there is as much, if not more, evidence to be found for the existence of other models as well.[19] She advocates a view in which several differing, overlapping, and contrasting models exist within a culture at the same time. This is not Laqueur's only generalization. He also focuses almost exclusively on anatomical treatises, especially the illustrations of female and male genitals as identical in form but reversed. Further, he sees the Middle Ages merely as the period that latently carried over ideas from Antiquity to the Renaissance. However, Galen's treatise *On the Use of Parts*, the classical work that supposedly spread the theory of genital homology through the centuries, "did not play a direct role in the main conversation about reproductive roles, sex determination, and sexual pleasure in the natural philosophy or medicine of the late Middle Ages,"[20] according to Cadden, and Katharine Park confirms that "before 1500 [she] could find no convincing expressions of the idea of genital homology at all, even as an alternative to be discarded."[21] Laqueur's model does not completely misrepresent medieval conceptions about sex and gender, but it needs to be modified. Of course, there certainly

17. Laqueur, 5-6.

18. Laqueur, 8.

19. Joan Cadden. *Meanings of Sex Difference In the Middle Ages: Medicine, Science, and Culture* (Cambridge: Cambridge University Press, 2003).

20. Cadden, 108.

21. Katharine Park, "Cadden, Laqueur, and the 'one-sex body,'" *Medieval Feminist Forum* 46, no.1 (2010): 99.

was a hierarchy between the sexes. However, this does not mean that medieval people did not also imagine two sexes opposed to each other: "the binary opposition between men and women was extraordinarily strong in medieval society. Although theorists might write that females were defective males, their defects were significant enough that no one seriously considered them the same as males; they were in a quite different category."[22]

We may better understand how the idea of hierarchy and the binary model of sex were reconciled in the Middle Ages by taking a look at Christian Neoplatonist thought.[23] In the Neoplatonist worldview, everything in between pure being and non-being finds itself in a position of relativity: as an emanation from the One it is positive, but as a derived form of being it is negative. Such is also the case with men and women. Not only are they positioned within this hierarchy, with men at a higher level of being than women, but also "male" and "female" are used metaphorically to describe relations within the whole continuum. Maleness means spirituality, intellect, and soul, a higher position, while femaleness indicates materiality, the senses, and the body, or a lower position. At every level, two entities, a lower and a higher principle, come together to form a unity. Thus, woman is accorded a place that is lower in the hierarchy, and she basically functions as the material for men to inhabit, but she is not a defective man: her position is viewed as positive inasmuch as it complements man's being. Also, Christianity values highly the self-sacrificing descent of a higher principle to lower regions, even if it does not value the lower principle in itself. Christ took on humanity to save all people, and his humanity corresponds to a female position. That women signified the humanity of Christ could be used to create a positive identity for themselves.[24] We often find

22. Karras, *Doing unto others*, 5.

23. See Joan M. Ferrante, *Woman As Image In Medieval Literature: From the Twelfth Century to Dante* (New York: Columbia University Press, 1975), 2; Londa Schiebinger, "Feminine Icons: The Face of Early Modern Science," *Critical Inquiry* 14, no.4 (1988): 673, http://www.jstor.org/stable/1343667: "The most fruitful context for understanding the feminine icon is Christian Neoplatonism." I will expand upon this in the following section.

24. Bynum, *Holy Feast and Holy Fast; Fragmentation.*

imagery of gender reversals in medieval literature, although men use this rhetoric more than women, the latter stressing their humanity instead of their difference from men.[25] Medieval writers and artists thus used gender imagery "more fluidly and less literally than we do," which does not imply that social roles were any less strict or hierarchic, but which did open up symbolic possibilities.[26] There is, of course, much that escapes from the hierarchical binary, characteristics and configurations of personifications that do not quite fit into this system. The study of these instances promises to be most interesting. I believe, however, that personifications were conceptualized within a way of thinking gender as binary and hierarchical and of seeing these two aspects as indissolubly intertwined. I do not think female personifications defy gender norms by their mere existence. Neither do I think that they inevitably conform to those norms. This article, sketching the position of personifications within the system, will not be able to show where they diverge from it, but this is not to deny that they often do.

A Framework for Analyzing the Gender of Personifications

The most basic way of explaining the gender of the majority of late antique, medieval, and early modern personifications is by pointing out that they materialize abstract nouns of the feminine grammatical gender. If personification allegory relies on the "reification of language itself,"[27] such as the animation of nouns, then of course feminine nouns are reified as female persons. As Maureen Quilligan explains, "personifications of abstractions such as Philosophy and Nature take the feminine form primarily because allegory always works narratively by literalizing lexical

25. Bynum, *Fragmentation*. Christina Cedillo, "Habitual Gender: Rhetorical Androgyny in Franciscan Texts," *Journal of Feminist Studies in Religion* 31, no.1 (2015): 65-81, doi:10.2979/jfemistudreli.31.1.65.

26. Caroline Walker Bynum, "The Body of Christ in the Later Middle Ages: A Reply to Leo Steinberg," *Renaissance Quarterly* 39, no.3 (1986): 434, doi:10.2307/2862038.

27. Maureen Quilligan, *The Language of Allegory: Defining the Genre* (Ithaca, NY: Cornell University Press, 1979), 115. Maureen Quilligan, *The Allegory of Female Authority: Christine de Pizan's* "Cité des Dames" (Ithaca, NY: Cornell University Press, 1991).

effects. The gender of abstract nouns made from verbs in Latin is always feminine ... and so the personifications embodying these concepts take on the gender of the words: Lady Philosophy, Lady Fortuna."[28] This explanation was first used in modern times by Joseph Addison and has been used as a sufficient explication many times since.[29] Evidence that grammar plays a role in determining the gender of personifications is the fact that, after grammatical gender declined in European vernaculars around the turn of the millennium, male personifications started to appear more often. In English literature, for instance, Alfred the Great translated Boethius' *Philosophia* as the male Wisdom, and both Langland and Bunyan employed a majority of male personifications.[30]

However, one of the earliest uses of the grammatical argument from a ninth century commentary on Boethius's *The Consolation of Philosophy* immediately makes clear that we cannot rest content with the explanation offered by grammar alone:

> [Boethius] conjures up a picture of Philosophy as a woman; and he imagines her in the form of a woman, because the word was spoken in the feminine gender in Greek and Latin; and because she leads her listeners on as if with some elementary principles to perfect knowledge, or like a mother she suckles her infants and feeds her sons; or because women are seductresses, and just as women allure men, so Philosophy, with her appearance of perfect beauty, allures wise men.[31]

28. Quilligan, *Allegory of Female Authority*, 24-25.

29. For a broader overview of the history of the grammatical argument, see Newman, *God and the Goddesses*; James Paxson, "Gender Personified, Personification Gendered, and the Body Figuralized in Piers Plowman," *The Yearbook of Langland Studies* 12 (1998): 65-96 and "Personification's Gender," *Rhetorica* 16, no.2 (1998), 149-79, doi:10.1525/rh.1998.16.2.149.

30. Newman, *God and the goddesses*; Helen Cooper, "Gender and Personification in Piers Plowman," *Yearbook of Langland Studies* 5 (1991): 31-48.

31. Quoted by Cooper, "Gender and Personification," 31. "Configurat sibi mulierem Philosophiam; ideoque in speciem mulieris Philosophiam configurat, quia et apud Graecos et apud Latinos feminino genere pronuntiatur et auditores suos quasi quibusdam rudimentis adducit ad perfectam scientiam uel uti mater teneros lactat et nutrit filios. Vel ideo quia mulieres allectrices sunt: sicut mulieres alliciunt uiros, ita Philosophia specie perfectionis suae allicit homines sapientes."

Philosophia's gender is first connected to grammar, but then the author adds that it seems normal that philosophy would be represented as a woman because she feeds men with wisdom just like mothers feed their babies or because she allures men with the beauty of wisdom just like women allure men. The personification's function is compared to certain roles which women perform, in particular those of mother and seductress. It is futile to try and detach grammar from social meaning, because we clearly see that feminine *abstracta* are associated with feminine characteristics time and again. From the moment that a concept is personified, it becomes a person and thus it is assigned a gender and the corresponding social position, role, and behavior. From that moment, social gender *is* relevant to a personification's gender.

There are other arguments to refute the deterministic power of grammar. For example, Barbara Newman notes that male personifications are almost never of the kind she calls "Platonistic" as opposed to "Aristotelian," "reading the former as epiphanies or emanations of a superior reality, the latter as 'accidents existing in a substance,' personified only for the sake of analytical clarity."[32] She claims that male personifications never become as real, emotionally accessible, numinous, and serious as female personifications. Therefore, not only is it so that female personifications are linked to feminine roles and characteristics, but also the female gender of personifications apparently assures the figure's effectiveness in a way that maleness does not. Their gender is essential to the functioning of the personification as an emanation of the divine. Therefore, I will now proceed to give an overview of the critical literature drawing on gender theory in explaining the gender of personifications. I will draw together a variety of arguments and present them in the context of the framework that was sketched earlier.

The Level of the Personifier: Women

According to de Beauvoir, woman is defined as everything that man is not: she is immanent and passive, she is nature, materiality, and the body. It may appear strange, then, that divine concepts would take on

32. Newman, *God and the Goddesses*, 34.

female shapes. However, the fact that women personify positive and even divine concepts does not necessarily mean that they are no longer women. On the contrary, feminine characteristics such as immanence and materiality and their status as object in relation to a male subject assure the effectiveness of personification allegory. I will first discuss how the position of women in the binary-hierarchical structure of gender relations may contribute to the effectiveness of female personification allegory. First, personifications, as *material* renderings of an abstract idea, might be female because women, as opposed to men, are associated with immanence and materiality. Second, personifications, which mediate between humans and the divine, might be female because women relate humans mutually.

Materiality and Immanence

First, I will discuss the implications of the fact that materiality and immanence are coded as feminine. Because corporality is associated with femaleness, personifications might be female simply because they have bodies. But there is a deeper link between allegorical personifications, materialization, and femaleness. Medieval allegorical creation developed within the context of Neoplatonism.[33] Late-antique Neoplatonists carried forward to the Middle Ages the ideas that language is naturally linked to meaning and that allegory is capable of conveying knowledge about the divine.[34] These ideas were brought into practice most notably by poets influenced by the so-called "School of Chartres," namely the philosophical allegorists Bernard Silvestris, Alan of Lille, and Jean of Hauville.[35] Two elements carry the narrative structure of their allegories:

33. Peter T. Struck, "Allegory and Ascent in Neoplatonism," in *The Cambridge Companion to Allegory*, ed. Rita Copeland and Peter T. Struck (Cambridge: Cambridge University Press, 2010).

34. Struck, 57.

35. See Winthrop Wetherbee, *Platonism and Poetry in the Twelfth Century: The Literary Influence of the School of Chartres* (Princeton, NJ: Princeton University Press, 1972); Jon Whitman, *Interpretation and Allegory: Antiquity to the Modern Period* (Leiden: Brill, 2003); Jon Whitman, "Twelfth-Century Allegory: Philosophy and Imagination," in Copeland and Struck, *Cambridge Companion to Allegory*, 101-16.

cosmology and personification. For us, what is most important is the way in which cosmology and personification are intertwined. The creation and the constitution of the cosmos happens through emanation, which is depicted as a deeply gendered process. The universe is constituted by an immaterial entity that is wholly transcendent, "the One." The One is the source of everything and contains everything that exists, but it is also situated above everything else. It creates the different dimensions of the universe by emanating "pure being." The cosmos thus consists of ever-descending layers of meaning. A first level of emanation is the realm of Mind or intellectual reality. A second emanation is the realm of the Soul. This level in turn generates the world and everything that is material. How is this theory of emanation gendered? The creation of the cosmos is depicted as the descent of the masculine principle, which is one and all and in itself perfect, into the realm of the feminine, which is other and in motion. The universe is constituted by their convergence. We thus recognize the binary-hierarchical model of gender and the concept of the female as "other." In this model of the world, it is not surprising to find those natural powers that govern the cosmos personified as women. Bernard Silvestris, for instance, describes in his *Cosmographia* how the female *Noys* emanates from God, Nature from *Noys*, and *Silva* from Nature. Claire Fanger notes "how deeply issues of gendered embodiment are implicated Bernard's lofty abstractions, in his considerations of the relations between divinity and the world."[36] *Noys*, *Natur*a, and *Silva* are female because they represent the diversification of the primal unity, which is itself eternal and motionless. The higher principle, the "immobile unity of Being," is represented as the masculine principle, while the lower principle stands for "plurality and motion," marked by the imagery of the womb.[37] Emanation is described as the process of giving birth. The generative aspect of the divine is feminine because women are associated with procreation and material existence.

Another hypothesis building on these ideas comes from Gordon

36. Claire Fanger, "The Formative Feminine and the Immobility of God: Gender and Cosmogony in Bernard Silvestris's Cosmographia," in *The Tongue of the Fathers: Gender and Ideology In Twelfth-century Latin*, ed. David J. Townsend and Andrew J. Taylor (Philadelphia, PA: University of Pennsylvania Press, 1998), 80-101, 82.

37. Fanger, 92.

Teskey. Wondering why personification reverses the gender hierarchy by depicting elevated concepts as female, he gives the following explanation: "It seems that by conferring on personifications the feminine gender, matter is surreptitiously raised up from its logical place, which is beneath the lowest species, into the realm of abstractions, giving these something solid to stand on. What is the stuff out of which Shamefastness is made? She is made of her gender."[38] Materializations of abstract concepts take the female form precisely because they take on materiality. When a higher principle descends and clothes itself in materiality, this is depicted as a gendered process: the masculine principle clothes itself in feminine materiality. Teskey connects this to Platonic ideas about male form and female matter: "the project of cultural idealism is typically encoded as the masculine imprinting of a feminine other."[39] So, the male form of the abstract concept imprints itself in formless matter, which is female. Teskey further describes this process in Neoplatonist terms: "feminine agents are both examples of the universals they instantiate and living sources from which those universals cascade into the world."[40] So, just as Fanger noticed with regard to the *Cosmographia*, Teskey describes how personifications might be female both because they are emanations and because they give birth to matter *through* the process of emanation. In a footnote, he makes a remark that is similar to what Newman says about male personifications being less real. Teskey observes that male personifications in *The Faerie Queene* "are demonstrably physical, as if to make up for their relative insubstantiality."[41]

Further, notice how the imagery of the female body and especially its reproductive functions are used in this schema to explain cosmological processes. This is an important factor in the functioning of female personifications, which follows from the association of matter with femaleness. As a consequence of their belonging to the material realm, women are not allowed transcendence and are thus reduced to corporality. Paradoxically, however, men's bodies remain the standard

38. Gordon Teskey, *Allegory and Violence* (Ithaca, NY: Cornell University Press, 1996), 23.

39. Teskey, 23.

40. Teskey, 23.

41. Teskey, 22n31.

"human body," and women's bodies are marked as "other." So, the female body is both "body" itself, as an undifferentiated mass, *and* the "other" body, with marked characteristics. As a consequence, women's bodies are more value-laden than men's, both negatively and positively. The female body, then, is a site for symbolism, and its parts carry meaning. Personifications, of which every body part and piece of clothing is read symbolically, can signify various things by means of their female bodies. For instance, giving birth and breastfeeding often serve as metaphors within a personification allegory.

In conclusion, personifications are female because they are material and immanent instances of *abstracta*—materiality and immanence being coded as feminine—and also because women's bodies are more marked and value-laden than men's and are therefore more readily used in symbolic configurations.

Relationality and Gender Roles

Second, I will discuss the implications of women's place in relation to men within the hierarchy of gender. Women and their bodies are classified according to their sexual and familial roles in relation to men. The female gender of personifications therefore also or even primarily functions in relation to the imagery of sexual relations and familial ties, duties, and honor. Female personifications play the same role here as women in the patriarchal family. Women link men to each other, first, by reproducing the family and connecting men through blood ties,[42] and, second, by representing the honor of the men to which they belong. Just so, personifications connect humans and the divine or humans mutually through family relationships, and they symbolize the family honor.

There are many different constellations in which female personifications may fulfil this function. Personifications can relate individuals or groups to each other or to God. Mostly, these relations are hierarchical.

42. As described by Claude Lévi-Strauss, *Les Structures élémentaires de la parenté* (Paris: Mouton, 1949), and from a feminist perspective by Gayle Rubin, "The Traffic in Women: Notes on the 'Political Economy' of Sex," in *Toward an Anthropology of Women*, ed. Rayna R. Reiter (New York: Monthly Review Press, 1975).

They also often involve implied third parties, who define the relationship by being excluded from it. The personification functions either as a mediator or as a substitute: either she mediates between the parties and is herself related to both of them, or a whole group is united in her person. She can also be both at the same time. The personification can take on many roles, but the most important seem to be mother, daughter, and bride/beloved. I distinguish three general attitudes toward these personifications: they are honored, desired, and/or victimized. These reflect the attitudes that courtly literature exhibits towards women. Therefore, the literature on gender in courtly literature is of use in analyzing medieval female personifications. As in courtly literature, the family that is evoked is part of elite culture. Together with gender, this aspect is crucial to the functioning of female personifications. The personifications are not only female, but also of noble lineage. They demand respect and honor, and when their honor is endangered, this evokes serious anxiety and can have repercussions. However, they receive this honor through their relation to their male relatives, to whom they are subordinate. Thus, personifications make use of "the leverage that women had not as people, but as a conceptual category," in the words of Daisy Delogu.[43] The hierarchies of gender and class converge in these figures in order to transfer these hierarchies to all kinds of interpersonal or intergroup relations. As Delogu explains: "The gender binary that has pervaded thought and culture from the Middle Ages to our own times provides a ready-made and almost universally accepted hierarchy which can be deployed in a range of other contexts to express ideas about the respective situations of persons or groups."[44] Female personifications "structure relationships of inclusion and exclusion, establish hierarchies, and help to define both self and other."[45]

We will first look at how personifications might be used in order to define the self in relation to the divine. Humans are sometimes pictured in direct relation to the divine, but more often the relation is mediated by a female figure such as Mary or female personifications. And even when there is a direct relation, we notice the tendency to picture

43. Delogu, *Allegorical Bodies*, 14.

44. Delogu, 43.

45. Delogu, 43.

this relation as one between a feminine and a masculine being. Either the human soul is described as Christ's bride or God's child, or Christ is feminized and takes on the role of a mother, in order to relate the human to God as a father. There certainly is a tendency not to relate a male human figure to the (ultimately male) divinity.

Rosemary Radford Ruether has suggested two reasons why men "continually reinvented the 'religious feminine.'"[46] Her overview of divine female figures throughout history, *Goddesses and the Divine Feminine*, reaches the conclusion that such concepts were probably always invented to serve male interests. The first interest they served, according to Ruether, is to provide a way out of the dilemma that "a male monotheistic God and heterosexist culture" posed to men: "for males to love God meant that a human male must love a divine male."[47] This would mean an "explicit elaboration of male-male eros," which in such a culture would be forbidden.[48] I think that this argument cannot hold: for reasons that I will not expand upon here, it is not possible to speak of hetero- and homosexuality in premodern periods.[49] Instead, I would argue that these relations are male-female more because of the structure and hierarchy of gender as discussed earlier. In relation to the man, woman is subordinated, but all humans together are the woman in relation to God. "Masculine" and "feminine" are then used as a metaphor for "higher" or "stronger" or "more spiritual" versus "lower" or "weaker" or "less transcendent." Medieval sexuality was thus seen less in the absolute terms of two opposite sexes than in the relation between the higher principle of masculinity and the lower principle of femininity (embodied by men and women) that are necessarily bound up with each other as a sign of both human fallenness and redemption. So, because the relation

46. Rosemary Radford Ruether, *Goddesses and the Divine Feminine: A Western. Religious History* (Berkeley: University of California Press, 2005), 303.

47. Ruether, 304.

48. Ruether, 304.

49. See David M. Halperin, "Is there a History of Sexuality?" *History and Theory* 28, no.3 (1989): 257-74, doi:10.2307/2505179; James A. Schultz, "Heterosexuality as a Threat to Medieval Studies," *Journal of the History of Sexuality* 15, no.1 (2006): 14-29, http://www.jstor.org/stable/4617242; Helmut Puff, "Same-Sex Possibilities," in Bennett and Karras, *Oxford Handbook of Women and Gender*, 379-95.

between humans and the divine is a hierarchical relation, it is described in gendered terms, gender being perceived as the primary hierarchy. For instance, the fact that the soul is not only likened to a bride but also to a child indicates that this is not about "eros," but about love and care within a relationship of unequal power characterized by dependence.[50]

Ruether gives a second reason why men would invent goddesses. Referring to the goddesses of the ancient Near East, she argues that they protect men in power.[51] Indeed, the relation of certain individuals or groups to the divine, through female mediators or by representing the group itself as a personification, can be employed to legitimate and preserve the power of those individuals or groups.[52] In this case, the personification serves to relate people to each other rather than to God. Or rather, it sets off people against each other by relating some more closely to God than others. This construction serves two functions in society. First, it legitimizes existing power relations and the position of powerful groups in society by relating them to the divine. Second, the construction is used to demarcate the boundaries between groups and prohibit transgressions.[53]

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50. See Caroline Walker Bynum, "Jesus as Mother and Abbot as Mother: Some Themes in Twelfth-Century Cistercian Writing," *Harvard Theological Review* 70, no.3,4 (1977): 257-84, http://www.jstor.org/stable/1509631. Bynum remarks that "[b]oth in references to earthly authority figures and in reference to God, a maternal image is an image of dependence or union or incorporation"(269). She further mentions that "sexually inverted images (i.e., calling men "women") were part of a larger pattern of using inverted language to express personal dependence and the dependence of one's values on God" (272).

51. Ruether, *Goddesses and the Divine Feminine*, 303-4.

52. For instance, Hannah W. Matis, "Early-Medieval Exegesis of the Song of Songs and the Maternal Language of Clerical Authority," *Speculum* 89, no.2 (2014): 372-73, describes how Carolingian clerics identified themselves with (body parts of) the bride of *Song of Songs*, whom they interpreted as a maternal figure, in order to legitimize and heighten their authority. By representing themselves as the mother-figure in relation to the *parvuli* or children, they both excluded the laity and manipulated power relations within their own ranks.

53. For instance, David Nirenberg, "Conversion, Sex, and Segregation: Jews and Christians in Medieval Spain," *American Historical Review* 107, no.4 (2002): 1065-93, doi:10.1086/532664, shows how in the literature of medieval Spain, sexual relations of any nature between Christian women and Jewish or Muslim men were depicted

An important precedent for this kind of medieval personifications is the Old Testament's depiction of the Israelites as God's beloved bride, which David Carr calls a "theological marriage matrix": "In this matrix the believing community is depicted as the female spouse of the male god—called on to love that God with the exclusive love of a wife and punished for failure to do so."[54] Christians replaced the figure of Synagoga with Ecclesia but kept this tradition, as witnessed by the interpretations of the Song of Songs as a love song between the Church and God.[55] Although interpretations of the Song of Songs put the emphasis on desire and love, elsewhere the "theological marriage matrix" draws on gender roles such as the requirement of absolute faithfulness from the wife and the man's dominance over her. The people are represented as female, then, because of the hierarchy and familial duties that exist between them and God.

But a figure such as the Church does not only enable a group of people to enter into a relationship with God: they also, as individuals, enter into a relationship with the figure of the Church itself. Personifications of groups of people also connect the people in that group to each other and against other groups via the figure of personification, and in this process gender plays an important role. This aspect of female personification allegory has not received much attention for the medieval period, but it has from theorists of the modern nation-state.[56] I believe that the

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as the violation of the brides of Christ and the daughters of God and their violation as the violation of God's rights. Conversely, there are the narratives in which pagan women are converted to Christianity and marry Christian men, which is depicted as a victory of one group over another, as in Sharon Kinoshita, "'Pagans Are Wrong and Christians Are Right: Alterity, Gender, and Nation in the *Chanson de Roland*,'" *Journal of Medieval and Early Modern Studies* 31, no.1 (2001): 79-111.

54. David Carr, "Gender and the Shaping of Desire in the Song of Songs and Its Interpretation," *Journal of Biblical Literature* 119, no.2 (2000): 239, http://www.jstor.org/stable/3268485.

55. Friedrich Ohly, *Hohelied-Studien: Grundzüge einer Geschichte der Hoheliedauslegung des Abendlandes bis um 1200* (Wiesbaden: Steiner Verlag, 1958); E. Ann Matter, *The Voice of My Beloved: The Song of Songs in Western Medieval Christianity* (Pennsylvania: University of Pennsylvania Press, 1990); Ann Astell, *The Song of Songs in the Middle Ages* (Ithaca, NY: Cornell University Press, 1995).

56. Nira Yuval-Davis, "Gender and Nation," in *Women, Ethnicity and Nationalism:*

core of these ideas could be applied to medieval personifications such as the Church too. Mrinalini Sinha lists four ways in which familial and gendered imagery—the nation as a "domestic genealogy"—functions in a nationalist discourse. First, the imagery represents the nation "as an innate or organic community" whose members are related by family ties, which naturalizes the state and its power over the citizens.[57] Second, the nation represented as a relative can activate "instrumental passions":

> Thus the nation in the form of an abused or humiliated mother appeals to her sons and daughters, albeit often in differently gendered ways, to come to her protection and restore her honor. Similarly, the nation as fatherland calls upon its sons and daughters to obey the father and fulfil their respective gendered duties to the nation. . . . Most often, perhaps, the nation is represented as a female body—"to love, to possess, and to protect"—in the discourse of nationalism.[58]

Third, the imagery naturalizes hierarchies both within and between nations and signifies "hierarchy within unity": the message is that hierarchies in and between groups of people are natural and benefit everyone, just as, within a patriarchal family, parents have power over children and husbands over wives.[59] Fourth, the nation's double role as a "force for both change and continuity" is negotiated via gender difference: women are identified with tradition and continuity and men with change and modernity.[60] This description of how gendered imagery functions in establishing relations between people and groups is applicable to medieval collective personifications too. The figure of the Church as a mother establishes the community of Christians as an organic community in which the members are bound to each other by family ties. Second, by, for instance, depicting her as a mother who is in need of help or whose

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The Politics of Transition, ed. Rick Wilford and Robert L. Miller (London: Routledge, 1998); Mrinalini Sinha, *Gender and Nation* (Washington, DC: American Historical Association, 2006).

57. Sinha, *Gender and Nation*, 17.

58. Sinha, 18.

59. Sinha, 19.

60. Sinha, 21.

honor is threatened, this imagery may be used to activate instrumental passions. A man's honor is then made dependent on the sexual honor of the women that belong to him.[61] Third, it naturalizes hierarchies, both between groups, as we see in the figure of the personified Synagogue, who represents the Jews but is superseded by the Church,[62] and within groups, as we see for instance when the clergy identifies itself with the mother figure in order to claim natural authority over the laity.[63]

Daisy Delogu's recent book *Allegorical Bodies: Power and Gender in Late Medieval France* discusses in detail the use of the allegory of France and the allegory of the University of Paris during the Hundred Years War. These are personifications that mediate between political groups and the figure of the king. First, Christine de Pizan creates the maternal figure of France, whose children are in conflict with their mother and among themselves. Delogu explains how "imagining Libera as a maternal figure imposes a bond of natural love among her children, and between the children/subjects and the kingdom."[64] The French are thus admonished to fulfil their civil duties as loyally as they would their filial duties. Delogu further hypothesizes that the allegorical figure of France should serve as an alternative for the figure of the king, whose "historical and textual absence" at that time prompted Christine de Pizan to "construct an alternative site or mechanism for the production of political and social identity."[65] Second, Jean Gerson makes use of conventional notions of the family as well by creating the allegorical figure of the University as "the devoted and obedient *fille du roy*."[66] The allegory of the University allows Gerson to "construct a platform for

61. See Nirenberg, "Conversion, Sex, and Segregation."

62. On the figure of Synagoga in medieval art, see Sara Lipton, "The Temple is my Body: Gender, Carnality, and Synagoga in the 'Bible Moralisée,'" *in Imagining the Self, Imagining the Other: Visual Representation and Jewish-Christian Dynamics in the Middle Ages and Early Modern Period*, ed. Eva Frojmovic (Leiden: Brill, 2002), 129-63; Nina Rowe, *The Jew, the Cathedral and the Medieval City: Synagoga and Ecclesia in the Thirteenth Century* (Cambridge: Cambridge University Press, 2011).

63. Bynum, "Jesus as Mother"; Matis, "The Maternal Language of Clerical Authority."

64. Delogu, *Allegorical Bodies*, 73.

65. Delogu, 16.

66. Delogu, 16.

political action for himself, and for the University masters generally," but because University is a daughter, she poses no threat to the king's authority.[67] Gerson's University is both the king's daughter and the mother of the masters and students. In this last function, she aids the *translatio studii et imperii*: "Just as real women served as instruments in the transfer of secular power, so too the female-gendered University reproduces knowledge, ensuring its transmission from one generation to the next."[68] Delogu thus finds that these personifications "conform to normative expectations of femininity for medieval women."[69] They appear as the courtly beloved, as the object of affection and desire, or as a mother. Sometimes, they are depicted as a victimized woman: "By portraying France as a damsel in distress, the authors of such allegorical fictions invite a masculine, and in particular chivalric, public to come to the aid of the kingdom, in accordance with medieval expectations of masculinity."[70] It is only medieval women *of the nobility*, however, who can play this role: these women often functioned as intermediaries at courts, and so do personifications.[71]

One last instance should be mentioned to round off our overview of the literature on this aspect of female personifications. Emily C. Francomano's book *Wisdom and her Lovers* mentions Augustine's use of the personification of Wisdom represented as "a lover who can be shared among male philosophers joined in their pursuit of enlightenment."[72] She "strengthen[s] the homosocial and spiritual bonds among philosophers," thereby again representing the process of *translatio studii*.[73] She also offers a surrogate for a human spouse. Francomano perceives a

67. Delogu, 16.

68. Delogu, 87.

69. Delogu, 8.

70. Delogu, 8.

71. See Schiebinger, "Feminine Icons," 684. Schiebinger, talking about the female personifications of Science in the early-modern period, says: "The feminine icon was born and bred within elite culture, and I would argue that it represented women's place in that culture more than it did real women of the past. Women's role in the court and salon was one of mediation."

72. Emily C. Francomano, *Wisdom and Her Lovers in Medieval and Early-Modern Hispanic Literature* (New York: Palgrave Macmillan, 2008), 2.

73. Francomano, 3-4.

tension in the combination of "the homosocial hermeneutics of wisdom literature and the imagined heterosocial and heterosexual relationships that men in search of Wisdom forge with her."[74] This triangular relationship between men and a desired woman, however, is described in feminist theory by Eve Kosofsky Sedgwick's book *Between Men*.[75] The rupture of the continuum between nonsexual and sexual male bonds is disguised by positing the figure of a desired female; in other words, male philosophers' relations with each other must be mediated by a female figure in order to banish the idea of sexual relations between *themselves*. This framework could also prove useful for female personifications. The main interest of Francomano's book, however, is the "deep-seated anxiety about potential confusion between feminine imagery and real, extratextual women."[76] Authors who make use of the female personification of Wisdom feel very acutely that they cannot at the same time make use of the feminine and avoid associating Wisdom with mere mortal women. Because of the fact that a female personification "look[s] like a woman, nurture[s] like a mother, sing[s] like a siren, please[s] like a bride, and share[s] her body like a common woman"—in short: answers to all the expectations of normative femininity—that she inevitably will be confused "with real, extratextual women."[77]

The Level of the Personified: Ideas

The functioning of female personification at the literal level thus revolves around corporality and gender roles. First, women are associated with corporality and earthly existence. Personification, the embodied form of an abstract concept, is female because embodiment is coded as female. Second, women are seen in relation to men. They structure and symbolize relations and hierarchies between people. Female personifications too perform these female gender roles. So, to the question of why these concepts are materialized as female, the answer is that they are because

74. Francomano, 2.

75. Eve Kosofsky Sedgwick, *Between Men: English Literature and Male Homosocial Desire* (New York: Columbia University Press, 1985).

76. Francomano, *Wisdom and Her Lovers*, 2.

77. Francomano, 3.

materiality itself is coded as female and because they mediate between humans and the divine, as well as between humans mutually, which is the symbolic function of women. The second question is now whether the concepts themselves are coded as female even when they are not materialized.

Here, the principle of immanence returns. A personification is characterized by immanence because in its human form it is part of earthly existence. But many immaterial concepts like Wisdom or the Church are characterized by immanence themselves, because they refer to the divine at work in the creation, the non-transcendent and therefore feminine features of the divine. Barbara Newman notes with regard to Hildegard of Bingen that "while masculine imagery of the Creator tends to stress God's transcendence, feminine metaphors place the accent on immanence."[78] Similarly, personifications represent the workings of a transcendent God in his creation: *Sapientia*, *Caritas*, *Ecclesia* and the others are, in their most elevated form, emanations of God that are at the same time divine and active in people. Therefore, their immanence is best represented by the female form. As such, they become mediators between God and his creation: "Hildegard saw [the feminine] as the dimension in which mediation or, at a higher intensity, union between Creator and creature can be achieved."[79] Newman further connects this mediating function to specifically feminine modes of time: "The feminine designations . . . evoke God's interactions with the cosmos insofar as they are timeless or perpetually repeated."[80]

Simone de Beauvoir provides another argument: "Man feminizes the ideal he sets up before him as the essential Other, because woman is the material representation of alterity; that is why almost all allegories in

78. Barbara Newman, *Sister of Wisdom: St. Hildegard's Theology of the Feminine* (Berkeley: University of California Press, 1987), 64. See also María Isabel Flisfisch, "Las figuras femeninas en la *Symphonia* de Hildegard de Bingen: Caritas, Sapientia y Ecclesia," *Revista Chilena de Literatura* 62 (2003): 127-44.

79. Newman, *Sister of Wisdom*, 45.

80. Newman, 45. Newman then goes on to argue that the principles of the feminine divine—theophany, exemplarity, immanence, and synergy—can be seen as conditions of the Incarnation, which in Hildegard's view is "an event beyond time and history in the sphere of the eternal, of the feminine divine" (46).

language as in pictorial representation, are women."[81] In other words, if concepts are external to man, they are pictured as feminine because they are Other, even if they represent partly transcendental ideals.

With regard to the personifications that represent collectivities such as a city, a nation, or a religious community, we can add that the figure of a woman also represents the concept of collectivity itself. The female is the marked gender, so that men are more easily perceived as individuals (depending on the intersections with ethnicity, religion, class, etc.), but women are always also perceived as a collective.[82] Arguably, a male personification would be viewed more as an exemplar, a historical figure, or an autonomous power, but less as a collective entity or abstract concept.[83] Inasmuch as women are "the Other," they are less differentiated, and inasmuch as they are the object to the male subject, they are granted less individuality, so that they can more easily be turned into symbols.

The most comprehensive work on female personifications to date, Barbara Newman's *God and the Goddesses*, follows this line of thought, but situates its arguments exclusively on the figural level. Newman is opposed to looking at female personifications merely as grammatical or literary figures. She pleads for considering their theological and spiritual meaning. In doing so, however, she separates spiritual meaning from social meaning and claims in effect that the two exclude each other. I want to argue that they do not and that the figural level of

81. de Beauvoir, *Second Sex*, 211.

82. For instance, Hrabanus Maurus's ninth-century *De Rerum Naturis* links figures from the Old Testament to the New and figures from both to all sorts of individuals or groups that play a role in salvation history. A quick scan of these typologies reveals that men are mostly seen as prefigurations of Christ, the devil, or groups of individuals such as priests, the apostles, or the prophets, while women are predominantly interpreted as the Church, the Synagogue, souls, or abstract concepts. Hrabanus Maurus, *B. Rabani Mauri Fuldensis Abbatis Et Moguntini Archiepiscopi: Opera Omnia*, ed. J.-P Migne (1864-1878; repr. Turnhout: Brepols, 1966).

83. Schiebinger, "Feminine Icons." Schiebinger discusses the decline of female personifications of science at the beginning of the nineteenth century and their replacement by images of individual male scientists. Compare also the figures of *Natura* and *Genius* in Alan of Lille's *De planctu naturae* and Jean de Meun's *Roman de la rose*: while *Natura* is a personification of the concept of Nature, *Genius* is a representative of the priesthood, not a personification of it.

personifications can be traced back to the literal level. First, I will briefly reproduce Newman's argument. She describes the "allegorical goddesses" as a "third pantheon," besides the saints and the old pagan gods, surrounding the monotheistic God of Christendom.[84] She argues that female personifications "add an irreducible fourth dimension to the spiritual universe. As emanations of the Divine, mediators between God and the cosmos, embodied universals, and not least, ravishing objects of identification and desire, the goddesses substantially transformed and deepened Christendom's concept of God, introducing religious possibilities beyond the ambit of scholastic theology and bringing them to vibrant imaginative life."[85] They derive their power from representing the "feminine aspect of God": as women, they represent the aspect of reality that is earthly (emanated) and embodied, and as such they can function as mediators and objects of desire.[86] The way in which Newman describes the functioning of female personifications thus corresponds to the arguments described in the previous section of this paper. However, for her, the fact that allegorical goddesses are idealized figures representing theological concepts means that they do no longer represent women: they are "female but not necessarily women."[87] She asserts that female personifications are not representations of women but modes of religious imagination. They offer a safe and efficient way to theologize about divine concepts, for instance because they can represent "God's inner conflicts, so to speak, in much the same way that allegory enabled them to dramatize human conflicts."[88] Another reason for their existence would be the need to imagine divinity as both male and female, because "human beings come in two sexes."[89] She therefore insists that they "were not women: they did not have bodies, and although they were symbolically virgins, lovers, mothers, and brides, they bore no taint of mortal frailty."[90] Newman wants to separate positive feminine

84. Newman, *God and the Goddesses*, 1.
85. Newman, God and the Goddesses, 2–3.
86. Newman, *Sister of Wisdom,* xvii.
87. Newman, *God and the Goddesses*, 38.
88. Newman, *God and the Goddesses*, 39.
89. Newman, *God and the Goddesses*, 19.
90. Newman, *God and the Goddesses*, 310.

symbolism from the often negative way that real women's bodies and roles were perceived in society. She never specifies what she means by "female" and by "women" in separating the two, unless by pointing out that "Lady Philosophy suffers from no weakness of mind; Lady Poverty, though beautiful and nude, arouses no lust in St. Francis; Mater Ecclesia does not lack authority, nor is Frau Minne periodically unclean."[91] These are all the negative aspects associated with women's materiality as opposed to men's more spiritual status: women are weak of mind, their bodies are unclean and arouse lust, and they lack authority. This is the view of women that arises when the gendered body and soul are seen in opposition to each other, and these are the qualities that do not get figuratively transferred to men in the symbolic realm. The aspects of the feminine that qualify for that realm are the aspects that are valued when body and soul are seen as a harmonic whole: in that case, the abstract concepts of the body, of complementarity, of erotic love, of gender roles can be used in the religious imagination. What Newman means is that it is possible to abstract women's association with immanence and materiality from women's lower place in society. I do not think that such an artificial separation can be maintained. What is actually valued in abstracted concepts such as materiality or motherhood is the celebration of the lower principle that upholds the higher principle, a celebration of the hierarchy itself. Women's base materiality, on the one hand, and female symbolic materiality, on the other, are two sides of the same coin. It is the same system looked at from different perspectives: if one looks at women as opposed to men, one only discerns negativity, but if one zooms out and considers how women are necessary to men's existence in providing the material from which they are formed, this might be considered positive. Therefore, I would contest the view that we can separate positively valued femininity from negatively valued femaleness, although this may have been what medieval authors tried to do. Newman says that the goddesses have no bodies. However, they signify positive female characteristics by being female: their body is the symbol by which they communicate their meaning. Also, when female symbols are transferred to men, we often see that they remain

91. Newman, *God and the Goddesses*, 310.

associated with women's bodies, for instance when Christ takes on the role of a mother by being depicted with lactating breasts. Elsewhere, men are connected with female symbols because they deliberately want to take up a lower place in the hierarchy or they want to be able to relate to God as a woman to a man, meaning that traditional gender roles are implicated in these symbols. Even when authors stress positive female symbolism, this happens within a system that opposes female to male, and that values male over female. Female symbols do not stand on their own, and gender relations are also at work in the religious imagination. So, the figural level of personifications builds on the literal level; the concepts themselves have feminine associations, but this is rooted in the literal level and the female bodies of personifications.

The Level of the Personification: Literary Figures

If we look at personification as a literary figure, we again find the same gendered concepts that make plausible the choice for female personifications. Whether personification is seen as a literary figure that has to be interpreted, as a figure that contributes to memorization, as an instance of figurative language, as a trope, or as allegory, the discourse for talking about it makes use of gendered conceptualizations.

Daisy Delogu draws attention to how "the very processes of allegorical writing and reading are imagined by their practitioners in gendered terms."[92] Allegorical reading was a "generative process" in which the male exegete drew meaning from the fecund body of the text.[93] Furthermore, the allegorical text was frequently described as veiled, "and it was the object of the (again male) reader to strip allegory of its covering, to lay bare and possess allegory's hidden meaning."[94]

Emily Francomano, given her focus on the personification of Wisdom, chooses to focus on the role of female personification in the arts of memory, which "implicitly valued this supposed incongruence between the material and the spiritual, the sensual and the intellective."[95] As she

92. Delogu, *Allegorical Bodies*, 19.

93. Delogu, 19.

94. Delogu, 19.

95. Francomano, *Wisdom and Her Lovers*, 5. See also 11–26.

puts it, "[t]he opposition between *woman* and *wisdom* makes the personification all the more memorable."[96] Moreover, because wisdom is figuratively seen as "the body of desired knowledge," it takes on the form of the desired female body.[97] In this capacity, the personification offers both an emotional and an erotic stimulation to memorize her teachings.

More broadly, the Jewish Platonist Philo and the Christian Platonist Origen connected the literal level of the text with the body of the reader and the figural level with the soul.[98] If the body is coded as female, then the literal level can be thought of as female. The outer appearance and gender of the personification are situated on the literal level. We can then not only connect the female body of the personification *as* a body to femaleness, but also connect the literal level of the allegory *through* the metaphor of the body to femaleness.

James Paxson offers a similar argument on personification as a trope. He discusses how "personified characters in classical or early medieval literature were women because Personification as a concept (and itself personified) could be thought of as having the gendered qualities of the feminine."[99] First, tropes and figuration in general were characterized as feminine because women were associated with "ornamentation, seduction, excess" and with masking, dressing up, concealing, and translating.[100] Woman stands for the non-transcendent aspect of reality, for the visible outer layer of an invisible reality (sometimes considered positively as an emanation, sometimes negatively as a concealment). Woman thus becomes a metaphor for figuration itself. Second, personification is "the figure of figuration," too, because "[i]t is always already constituted according to the imaginary features of concealment, clothing, cosmetics, facades, and so forth. These descriptive concepts hinge on the structural

96. Francomano, 5.

97. Francomano, 5.

98. David Dawson, "Plato's Soul and the Body of the Text in Philo and Origen," in *Interpretation and Allegory: Antiquity to the Modern Period*, ed. Jon Whitman (Leiden: Brill, 2003), 89-108.

99. Paxson, "Personification's Gender," 157.

100. Paxson, 168. See also Delogu, *Allegorical Bodies*: "The practice of allegory was also connected to a certain indeterminacy, instability, or multiplicity of meaning, suggesting that allegory, like woman, might be fickle or duplicitous" (19).

oppositions of insides/outsides, substrates/surfaces, unseen/seen, content/form, primary/secondary."[101] Tropes work by means of concealment and covering; because both personification and woman are metaphors for denoting this process, personifications take on female shape.

The discourse on the concept of allegory is governed by the same metaphors. First, in Neoplatonist thought, allegory itself was seen as a form of emanation. The fifth-century Neoplatonist philosopher Proclus believed that literary texts offer indirect access to a higher level of reality through allegory. According to Peter Struck, this "view of the One as an entirely transcendent entity that also still (somehow) manifests itself in visible, tangible, concrete reality, sets out a paradox that is a natural incubator of allegorical thinking."[102] Indeed, this way of thinking provided one of the foundations of the medieval understanding of allegory, mostly through the immensely popular reception in Western Europe of the works of Dionysius the Aeropagite, who might have been a student of Proclus. So, if allegory could be seen as a process of emanation, it could be affected by the discourse on emanation as a process of feminine engendering out of the masculine immobile principle. Female personifications, then, are female because they are emanations at three levels: at the level of the personifier, because they are embodied; at the level of the personified, because they represent immanent concepts; and lastly at the level of the personification figure, because allegory itself is a form of emanation.

Second, the structure of allegory, in Daisy Delogu's words, is "predicated upon a sustained and productive tension between form and meaning, as well as upon a state of ontological alienation."[103] Paxson says the same when he declares that personification involves "the radical suspension of fixed ontic categories such as bodily/abstract, human/non-human or living/non-living."[104] According to him, this rhetorical subversion then spreads to the ontic category female/male. In Delogu's account, the "ontological alienation" that characterizes (personification) allegory "allows us to perceive a parallel between allegory and

101. Paxson, "Personification's Gender," 172.

102. Struck, "Allegory and Ascent," 59.

103. Delogu, *Allegorical Bodies*, 15.

104. Paxson, "Gender Personified," 164.

women, themselves often cast, like allegory, as useful, but potentially untrustworthy, intermediaries."[105] This reminds us of Barbara Newman's hypothesis that "Christians, accustomed to thinking of God as three-yet-one, of Christ as God-yet-man, and of Mary as virgin-yet-mother, came to regard paradox itself as a touchstone of revealed truth," and therefore saw the embodiment of a divine concept in female form as such an absurdity that it must be true.[106] However, as Emily Francomano's book about the literary reception of and responses to the female personification of Wisdom shows, when readers took notice of the incongruity between divine concept and female form—and they very often did—this was "a source of continual anxiety."[107] She finds repeated warnings not to confuse female personifications with real women. Therefore, I do not think that we must have recourse to the concept of paradox as such to explain the seeming illogicality of female personifications. I would suggest that it is not so much subversion that dictates personification's gender as it is the association of femaleness with the corporeal and non-transcendent aspects of being human. This association, of course, although not paradoxical in itself, does give rise to paradox because it necessarily has to be denied in order for the exalted personification to function. Personifications derive their effectiveness from taking the place of women in the symbolic order, but any associations with negatively perceived elements of femaleness must be banned. The two cannot be separated, however, which causes the anxiety that Francomano has documented.

Conclusion

Personifications cannot be reduced to either grammatical figure or theological concept. The gender of personifications, then, cannot be reduced to either grammatical gender or ideational value. When it is personified, a concept assumes human shape and a human identity, which entails social identity and gender. Many scholars have contributed arguments about the female gender of personifications. Those arguments that build

105. Delogu, *Allegorical Bodies*, 15.

106. Newman, *God and the Goddesses*, 323.

107. Francomano, *Wisdom and Her Lovers*, 6.

on gender theory can be situated on three levels, namely the personifier, the personified, and the personification figure. I have given an overview of these arguments and suggested that the same principles return on all three levels and are grounded in the meanings accorded to female bodies and gender roles. The central concepts are alterity and relativity: women are defined as the "other" in relation to men. The masculine is either invisible and neutral or it is positive; the feminine is either negatively or positively defined in relation to the masculine. So, even when feminine qualities are valued, they are valued in the hierarchical relation to male qualities, which means that they are valued either for their otherness or for their complementarity. First of all, because men are associated with transcendence, women are associated with corporality, materiality, and immanence. Therefore, the material shape of personifications is female. Second, because the male body is seen as the standard body, the female body is marked and offers strong symbolic possibilities. Third, women's otherness defines their roles in society: they are seen in relation to men and hierarchically subordinated to them. The functioning of personifications in relation to humans and the divine is also governed by the principles of relationality and hierarchy. On the level of the personified, the same principles of immanence, otherness, and collectivity play a role, as well as the principles of hierarchy and relationality. Personifications may represent aspects of the divine, in which case these principles are idealized and elevated, but they are grounded in the same social system that relegates women to the lower place in the hierarchy. Finally, on the level of personification as a literary figure, we again encountered the principles of embodiment and materiality. The choice for female personifications is governed by a complex interplay of factors: by grammar, by the ideational value of the personified concept, and by the dominant literary discourse. What unites all these factors, however, is the one deciding factor: female personifications make use of the symbolic values of female bodies and the structure of gender in society, on the level of the personifier, on the level of the personified, and the personification figure. The conclusion must be that in becoming human, personifications become fully human. Female personifications, then, are not only female but also women.

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Simon de Montfort et le gouvernement: Statut des femmes dans les Statuts de Pamiers (art. 46) avant la Magna Carta[1]

Marjolaine Raguin-Barthelmebs

Remarques préliminaires

Promulgués à pamiers le 1er décembre 1212 par Simon IV de Montfort, chef militaire de la croisade menée en pays méridional afin de lutter contre l'hérésie, ces statuts sont rédigés par les délégués d'une assemble mixte de Méridionaux et de Septentrionaux, le Parlement de Pamiers. Ils ont vocation à régler l'administration des biens et des personnes au sein des territoires dont Simon est le nouveau seigneur, essentiellement fondés sur la dépossession des Trencavel. Simon de Montfort se fait législateur avec le plein soutien du bras ecclésiastique de la croisade.

En dépit d'une opinion répandue, Simon de Montfort n'est pas le seigneur d'Île de France que l'on se représente, venu conquérir en chef de la croisade contre les Albigeois, d'abord la vicomté Trencavel à Béziers et Carcassonne, pour ensuite pousser ses nouveaux états jusqu'à Toulouse. Héros des croisades d'outre-mer et grand vainqueur en Albigeois, allié de Philippe Auguste et en conflit avec le roi Jean sans Terre dont il est le vassal pour le comté de Leicester[2]; il est au contraire pleinement intégré

1. Nous remercions Barbara H. Rosenwein pour ses conseils, Jean-Pierre Chambon pour son soutien sans faille, et Martin Aurell pour sa bienveillance. Enfin, nous sommes redevable envers Beverly Mayne Kienzle pour nous avoir sensibilisée à la question et aux enjeux représentés par les femmes et leur place au tournant de ce XIII[e] siècle en Occident. Cet article lui est dédié.

2. Le front qu'il ouvre contre le comte de Toulouse Raimond VI et le roi Pierre II d'Aragon, tué à Muret en 1213, sont d'ailleurs pour lui une nouvelle occasion de défier et de fragiliser le roi Jean, leur allié (beau-frère et oncle).

aussi à l'échiquier politique anglais et à ses enjeux structuraux en 1212 lorsqu'il promulgue les Statuts de Pamiers. Cela, dans le contexte de la crise que connut le Royaume anglais, opposants les barons révoltés et soutenus par Philippe Auguste au roi Jean sans Terre, qui devait aboutir aux Articles des Barons, puis à la si fameuse Magna Carta, pour laquelle les Statuts de Pamiers, à travers Simon de Montfort et son entourage croisé anglais, constituent un précédent à bien des égards. Faut-il rappeler que Simon fut, d'après les annales de Dunstable, élu comme roi par la conspiration des barons anglais révoltés pour succéder à Jean qu'ils voulaient déposer?[3] C'est plus tard son fils homonyme, Simon de Montfort junior qui parfera le lien entre les deux chartes, la Magna Carta anglaise et les Statuts de Pamiers, lui qui, gouvernant pour le roi son beau-frère, et certainement sur le modèle de son père Simon de Montfort senior s'appuiera fortement sur la première.[4] Ainsi, il ne s'agit pas de voir dans ce document seulement l'enjeu local de cette question des femmes dans les nouveaux états de Simon de Montfort, mais bien de remarquer qu'il y a là à étudier un document qui s'inscrit dans la généalogie juridique aussi de l'histoire de la grande Europe médiévale. Son choix d'établir de nouveaux Statuts pour le gouvernement de ses états prend tout son sens et donne idée à la fois de l'opinion que ce grand seigneur français avait de son statut et de sa fonction. En somme, les Statuts de Pamiers, replacés dans la perspective anglo-française, dépassent les affaires locales et replacent la croisade albigeoise au cœur de l'échiquier. Simon fait la preuve en Albigeois qu'il peut gouverner en seigneur principal et de haute volée, établissant la loi en vigueur, se constituant un héritage avec accès à la mer méditerranée.

Cette étude philologique plutôt qu'historique, que nous voudrions être avant tout l'ouverture d'un champ d'investigation, retient l'article 46 de ces statuts comme point focal d'une politique de conquête, de

3. "Annales Prioratus de Dunstaplia AD 1-1297," in *Annales Monastici*, ed. Henry Richard Luard, 5 vols. (London: Rolls Series, 1864-69), 3:33, cité par David Carpenter, *Magna Carta* (London: Penguin Books, 2015), 275n4. Ci-après *Dunstable*. Carpenter, 273, 278.

4. Il fut l'époux d'Aliénor, dernière fille de Jean sans Terre et de sa femme Isabelle d'Angoulême, ce qui fut pour lui un tremplin vers le pouvoir royal anglais. Carpenter, 94, 441-43.

pacification et d'administration. Celui-ci affecte les femmes nobles ou possessionnées, et dispose de leur corps à travers le mariage pour un temps donné et l'exégèse de ces quelques lignes d'une charte dont le texte fut consciencieusement pensé pour prévoir et permettre le gouvernement de ses terres par Simon de Montfort nous en convainc.

Nous retenons ici que, selon les préceptes énoncés, sans appel, par Alberto Varvaro, la philologie a vocation à s'occuper de tout texte littéraire, ou pas, écrit, ou oral: "La conclusione non può che essere che qualsiasi testo scritto deve essere trattato con i metodi e gli strumenti della filologia, ovviamente volta a volta adattati al tipo di testo e alle modalità della sua trasmissione. Non c'è dubbio che Petrarca richieda altra cura che un contratto commerciale del Trecento, ma appunto la cura deve essere diversa ma non inesistente, non può essere riservata al poeta e negata al notaio o al mercante. Né questo è vero solo per testi del passato: è vero sempre."[5] La philologie est donc à notre sens la discipline idoine pour une analyse, contextualisée bien sûr, mais segment par segment, presque mot à mot, du texte ici visé.

Si les unions conjugales sont un facteur constant de planification politique à travers le temps et l'espace dans nos sociétés, concernant le conflit albigeois et son règlement à la fin du XIII^{e} siècle, rappelons que c'est par le mariage contraint de Jeanne, fille de Raimond VII avec Alphonse, frère du roi de France Louis IX, mariage sans descendance, que le comté de Toulouse entrera définitivement dans la main de la couronne française.[6]

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5. On verra les pages essentielles de Alberto Varvaro, *Prima lezione di filologia* (Rome: Laterza, 2012), [24]-28. Le titre du chapitre (24) va aussi dans ce sens: "La filologia riguarda solo i testi letterari?"; on verra aussi l'intitulé du chapitre suivant (29) "La filologia si applica solo a testi scritti?"

6. On verra par exemple Martin Aurell, *Les noces du comte: Mariage et pouvoir en Catalogne, 785-1213*, Histoire ancienne et médiévale; 32 (Paris: Publications de la Sorbonne, 1995); Hélène Débax, "Stratégies matrimoniales des comtes de Toulouse (850-1270)," *Annales du Midi: Revue archéologique, historique et philologique de la France méridionale* 100, no. 182 (1988): 131-51. Voir aussi *Les stratégies matrimoniales (IX^{e}-XIII^{e} siècle)*, éd. Martin Aurell (Turnhout: Brepols, 2013), particulièrement Martin Aurell, "Rapport introductif," 7-22; et Ana Rodríguez, "Stratégies matrimoniales, stratégies patrimoniales: Autour du pouvoir des femmes au royaume de Léon-Castille (XII^{e}-XIII^{e} siècles)," 169-91. Sur le couple en Bas Languedoc avant le XII^{e} siècle, on verra Elisabeth Magnou-Nortier, "Réalité juridique et sociale du

Au titre de remarque liminaire ajoutons qu'il a été assez surprenant, au premier abord, de constater que les Statuts de Pamiers, et plus encore, à travers eux, et bien au-delà, le sort réservé aux femmes autochtones, par ou dans le mariage et la réglementation afférente, dans le cadre d'une politique de pacification après la conquête d'un territoire au Moyen Age, étaient des sujets peu explorés par les études historiques.[7] La très grandes majorité des études historiques ou juridiques consultées, ne s'intéressent pas aux Statuts de Pamiers, ou de très loin et sans prêter un soin particulier aux femmes et donc aux lignages.[8] Plus encore, l'analyse, à partir des sources primaires, de la pratique et des effets de ces statuts (et particulièrement des articles relatifs aux femmes) reste à faire; on ne peut que l'appeler de nos vœux.[9] Reprenons ici les mots d'Elisabeth van

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couple d'après les sources du Bas Languedoc avant 1100," in *Mariage et sexualité au Moyen Age: Accord ou crise?*, dir. Michel Rouche, Cultures et civilisations médiévales; 21 (Paris: Presses de l'Université de Paris-Sorbonne, 2000), 157-83.

7. Pour le Languedoc au XIII^{e} siècle, on pourra voir Henri Gilles, "Le statut de la femme en droit toulousain," 79-97; et Jean-Marie Carbasse, "La condition de la femme mariée en Languedoc (XIII^{e}-XIV^{e} siècles)," 99-112, dans *La femme dans la vie religieuse du Languedoc (XIII^{e}-XIV^{e} siècle)*, Cahiers de Fanjeaux; 23 (Toulouse: Privat, 1988); ou John H. Mundy, "Le mariage et les femmes à Toulouse au temps des cathares," *Annales ESC* 43, no. 1 (1987): 117-34, http://www.jstor.org/stable/27583455. Nous excluons donc ici le cas des viols de conquête et la forme de colonisation par le ventre et de modifications ethniques violentes qu'ils impliquent. Plus explorés par les sources secondaires de l'historiographie médiévale occidentale, ils le sont aussi pour la période contemporaine.

8. Nous ne ferons pas ici un inventaire des sources consultées. Il est très net que même les grandes études sur les lignages, les structures de la féodalité ou de la parentèle ou même sur le statut des femmes en Languedoc, ne s'occupent pas de celles-ci au XIII^{e} siècle sous le gouvernement de Simon de Montfort après la rédaction des Statuts; il en va ainsi notamment des travaux d'Hélène Débax, de Claudie Duhamel-Amado, de Laurent Macé, ou de Pierre Bonnassie pour les principaux. On mentionnera néanmoins la récente thèse doctorale de G. E. M. Lippiatt, "Simon V of Montfort: The Exercise and Aims of Independent Baronial Power at Home and on Crusade, 1195-1218," (thèse de Doctorat en Histoire, University of Oxford, 2015). S'appuyant beaucoup sur les Statuts de Pamiers pour expliquer les intentions de gouvernement de Simon de Montfort en Languedoc, elle ne livre pourtant pas d'analyse détaillée de leur contenu; consacrant très peu de lignes à la question de la reprise en main des lignages par le contrôle du mariage des femmes.

9. On pourra voir les recommandations de Carbasse, "La condition de la femme mariée," 99-112, notant que les sources juridiques sont "les plus fidèles et les plus

Houts qui dresse ce constat: "Exogamy, in the sense of intermarriage between a foreigner and a native, is a surprisingly neglected topic in the study of medieval Europe. It is usually discussed briefly with reference to high-status marriage alliances where the individuals concerned can be identified. Sometimes it comes up in more abstract discussions of migratory movements, colonization, and settlement, when usually there is very little or no detail on the men and women involved."[10]

Les statuts de Pamiers, tradition et objet

Nous examinerons ces statuts d'abord à partir de considérations générales sur leurs conditions de rédaction, puis les témoins de leur tradition textuelle et les diverses éditions. Nous porterons ensuite un regard sur la possibilité d'échos dans les sources et leurs échos dans les sources de la croisade albigeoise contemporaines, et enfin sur la distinction dans le texte entre les gens et les choses de la France et ce qui appartient aux affaires méridionales.

Les statuts de Pamiers, considérations générales

Les statuts de Pamiers sont promulgués par Simon de Montfort le 1er décembre 1212 dans la ville même. Fruit d'une rédaction commandée par le Parlement de Pamiers, on parle aussi parfois de concile ou d'assemblée de Pamiers, qui réunissait autour de Simon les grands de la croisade clercs et laïcs croisés, et des hommes du pays conquis: "archiepiscopi Burdegalensis et Tolosani, Karcassensis, Agenensis, Petragoricensis, Coseranensis, Convenarum, Bigorrensis episcoporum, et sapientuni virorum et aliorum baronum."[11] Seuls le clergé est identifié: l'archevêque de Bor-

abondantes" il remarque que "le droit évolue," la coutume évoluant, c'est l'examen de la pratique juridique qu'il convient de mener (100).

10. Elisabeth van Houts, "Intermarriage in Eleventh-Century England," in *Normandy and its Neighbours, 900-1250: Essays for David Bates*, ed. David Crouch and Kathleen Thompson (Turnhout: Brepols, 2011), 237-70. On pourrait continuer la citation tant celle-ci sonne juste en ce qui concerne l'étude et la mesure de la condition des femmes languedociennes au début du XIII^{e} siècle et lors de la promulgation des Statuts de Pamiers.

11. Ce sont les "puissas" anonymes *La Chanson de la Croisade albigeoise*, laisse 127, v. 6 qui s'en retourneront dans leur pays—que l'on peut raisonnablement supposer

deaux, les évêques de Carcassonne, d'Agen, de Toulouse, de Couserans, de Périgueux, de Comminges et de Bigorre.[12] Le Parlement délègue à douze de ses membres la rédaction du texte des Coutumes.

Simon y respecte et instaure la coutume parisienne en accord avec le droit canonique comme le notent Pascal Guébin et Henri Maisonneuve.[13] Le suzerain, français ou aragonais, n'est jamais mentionné. Simon établit une "une principauté censière du Saint-Siège"—rappelons que 1209-1216 (hommage de Simon au roi de France), le Saint-Siège exerce une suzeraineté de fait—pourtant figure stipulé en préambule des statuts "ad honorem Dei et sancte Romane ecclesie et domini regis Francorum."[14] Cette mention, compréhensible par le statut de croisé français de Simon, est surtout une manière habile de laisser le roi de France dans la partie, peut-être pour contrecarrer ses réticences à cette croisade. Pierre Timbal note dans ses conclusions que la coutume de Paris introduite par l'envahisseur appelait des aménagements dans la pratique du pays.[15]

Ces statuts comportent deux parties: une charte de coutumes de quarante-six articles relatifs à l'administration générale des pays placés sous l'autorité de Simon de Montfort, essentiellement le Carcassès et le Biterrois et, en appendice, trois articles de convention entre Simon et les barons français qui se sont vu concéder en fiefs certains des territoires conquis.[16]

être la France—après les délibérations. Voir Guilhem de Tudela et un anonyme, *La Chanson de la Croisade albigeoise*, éd., trad. et annoté par Eugéne Martin-Chabot, 3 t. (Paris: Les Belles-Lettres, 1931-1961). Ci-après *CCA*. Voir Pierre Timbal, *Un Conflit d'annexion au Moyen Age: L'application de la Coutume de Paris au pays d'Albigeois* (Toulouse: Privat, 1949), 177; et Claude de Vic et Joseph Vaissete, *Histoire générale de Languedoc*, ed. Ernest Roschach et Édouard Dulaurier, 16 t. (Toulouse, 1872-1892; facsim. introd. d'Arlette Jouanna et René Souriac, préf. de Emmanuel Le Roy Ladurie, Paris: Privat, 2003) [désormais *HGL*]), 8:626.

12. Timbal, *Conflit d'annexion*, 15-16; *CCA*, 1:281-83, note. 3. Voir *HGL*, 8:626.

13. Pierre des Vaux-de-Cernay, *Historia albigensis*, *Histoire albigeoise*, trad. Pascal Guébin et Henri Maisonneuve (Paris: Jean Vrin, 1951), 143n3.

14. Timbal, *Conflit d'annexion*, 177.

15. Timbal, 173-74; art. 43 et 1 bis, 183-84.

16. Jean-Marie Carbasse, "Contribution à l'étude du processus coutumier: La coutume du droit privé jusqu'à la Révolution," *Droits: Revue française de théorie*

Pierre des Vaux-de-Cernay, chroniqueur de la croisade et témoin des actes pris dans l'entourage de Simon de Montfort et de son oncle Guy, abbé des Vaux-de-Cernay et futur évêque de Carcassonne, signale que "Pour qu'elles [ces coutumes] furent inviolablement respectées, le noble comte et tous ses chevaliers jurèrent sur les quatre Évangiles qu'ils n'auraient jamais l'audace de violer les susdites coutumes. Pour leur donner une force encore plus grande, elles furent mises par écrit, ratifiées et sanctionnées par les sceaux du comte et de tous les évêques alors présents, et ils étaient nombreux."[17] Selon l'original A. N., J. 890, 6 et 6*bis* cela vise donc le texte principal et non l'appendice.

Avec ces statuts, se trouve établi un des actes dont François Olivier-Martin considère qu'ils contribuent à la "colonisation juridique" qui sera une des conséquences de la conquête du Midi par les armées croisées et la prise de pouvoir de Simon de Montfort.[18] Timbal comme Olivier-Martin ou Auguste Molinier, parmi d'autres, les considèrent comme l'application de la Coutume de Paris en territoire méridional, venant supplanter le droit écrit ancien.[19] C'est cet aspect de colonisation juridique ou d'implantation d'un nouveau droit, la coutume de Paris, que retiennent déjà les auteurs de l'Ancien Régime.[20] Plus récemment, Paul Ourliac à propos des travaux de Timbal dont la thèse est déjà dans le titre *l'application de la coutume de Paris au pays d'Albigeois* considéra qu'une étude fouillée des chartes méridionales permettrait de nuancer le propos et de ne plus voir dans les chartes coutumières de Simon la majeure influence de la coutume de Paris, mais bien plutôt un métissage

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juridique 3 (1986): 25-37.

17. Des Vaux-de-Cernay, *Historia*, 143, §364.

18. François Olivier-Martin, *Histoire de la coutume de la prévôté et vicomté de Paris*, t. 1-3 (Paris: Ernest Leroux, 1922-1930), 1:37, 72.

19. Voir notamment Jean-Marie Carbasse, "Bibliographie des coutumes méridionales (XII^{e}-XV^{e} s.): Catalogue des textes édités," *Recueil de mémoires et travaux publié par la Société d'histoire du droit et des institutions des anciens pays de droit écrit* 10 (1979): 7-89.

20. Jean Rousset de Missy, Jean Dumont, Jean Barbeyrac, *Supplément au corpus universel diplomatique du droit des gens*, 3 vols. (Amsterdam, 1739); et Etienne Girard, *Trois livres des offices de France*, éd. Jacques Joly, v. 2, *Troisième livre des offices de France* (Paris, 1644).

avec le droit local. Celui-ci devait considérer, avec Pierre des Vaux-de-Cernay, que ces coutumes rédigées par des gens du nord et du midi constituaient un socle commun.[21] Il semble que l'appel de Timbal soit resté lettre morte; nous n'avons pu trouver de tels travaux.

La tradition textuelle

Les statuts de Pamiers figurent dans:

- un original scellé: A. N., J. 890, 6 et 6*bis*.
- cinq copies: A. N. JJ 13, fol. 50[22]; A. N. JJ 21, fol. 130 r°; Reg. Cur. B. 15; B. M. Toulouse, Ms 639, fol. 68; Doat 153, fol. 41 (d'après Reg. Cur.).
- un remaniement partiel: Doat 21, fol. 120-132.[23]

Au sein du fonds des Archives nationales J 890 relatif au Languedoc, les statuts de Pamiers datés du 1er décembre 1212 se trouvent dans les chartes 6 et 6*bis*.24 Les coutumes sont scellées du sceau de Simon de Montfort et de dix prélats du Parlement de Pamiers, les trois articles suivants sont unis aux coutumes par la double queue du sceau du comte. Il y a donc deux ensembles rédactionnels sur l'original en deux champs successifs du parchemin. Ces deux parties sont placées l'une à la suite de

21. Des Vaux-de-Cernay, *Historia albigensis*, 143. Paul Ourliac et Jehan de Malafosse, *Histoire du droit privé*, t. 3, *Le droit familial* (Paris: Presses universitaires de France, 1968).

22. Cartulaire concernant les actes d'administration du Languedoc par Simon et Amaury de Montfort; voir Auguste Molinier, "Catalogue des actes de Simon et d'Amauri de Montfort," *Bibliothèque de l'École des Chartes* 34, no. 1 (1873): 183-88, 445-501, http://www.persee.fr/doc/bec_0373-6237_1873_num_34_1_446499.

23. *HGL*, 8:625. Molinier indique que Martène suit Doat 21. Voir Edmond Martène, *Thesaurus novus anecdoctorum*, 5 vols. (Paris, 1717), 1:831-38. Voir aussi Molinier, "Catalogue," 464.

24. Henri de Curzon, *Inventaire analytique, série J: Trésor des chartes, Supplément, Languedoc J 877-903*, Centre historique des Archives nationales, 1913-1914, 47, in *Inventaire analytique par Henri de Curzon, 1911-1917*, (2001-2003), http://www.archivesnationales.culture.gouv.fr/chan/chan/fonds/EGF/SA/InvSAPDF/SA_index_J/J_supp_avert.htm. L'inventaire de Curzon complète Henri-François Delaborde, *Layettes du Trésor des chartes*, t. 5, *Ancienne série des sacs, dite aujourd'hui Supplément, [632-1270]*, Alexandre Teulet, Joseph de Laborde (Paris: Plon, 1909), 71 (197 et 198).

l'autre sous un seul sceau, celui de Simon Montfort, alors que les sceaux épiscopaux apposés ne concernent que les seules coutumes.[25] La tradition manuscrite des statuts de Pamiers est bien représentée. Un *stemma* fait cependant défaut, en raison des pratiques scientifiques de ces éditeurs.

Les éditions et les traductions

La dernière édition du texte est celle placée en annexes de l'étude de Timbal.[26] Le texte qu'il publie, certainement sur la base de l'original A. N. J 890, 6 sans que cela ne soit précisé, présente peu de variantes d'avec celui de l'*Histoire générale de Languedoc*. La traduction française la plus récente est donnée par Michel Roquebert qui commente le texte.[27]

On recense de nombreuses éditions du texte latin donnant la totalité des statuts (les coutumes et trois articles suivants) ou seulement des extraits, certaines—minoritaires—n'en donnent qu'une traduction française. Nous tentons ici un recensement de ces éditions.[28]

25. On verra à ce sujet Timbal, *Conflit d'annexion*, 16; et Paul Ourliac, compte rendu *Un conflit annexion au Moyen Age: L'application de la coutume de Paris au pays d'Albigeois,* par Pierre Tindal, *Bibliothèque de l'école des chartes* 109, liv. 2 (1951): 321, http://www.persee.fr/issue/bec_0373-6237_1951_num_109_2.

26. Timbal, *Conflit d'annexion*, 177-84.

27. Michel Roquebert, *L'épopée cathare*, t. 1, *L'Invasion 1198-1212* (Paris: Perrin, 2006 [1970]), 691-714.

28. Ainsi Pierre Belperron, *La Croisade contre les Albigeois et l'union du Languedoc à la France (1209-1249)* (Paris: Perrin, 1942), 266-74; Guillaume Catel, *Histoire des comtes de Tolose* (Toulouse, 1623), 267-73 [trad. fr.]; Clément Compayré, *Études historiques et documents inédits sur l'Albigeois, le Castrais et l'ancien diocèse de Lavaur* (Albi, 1841), 496-508 [lat. et trad. fr.]; David Defos, *Traicté du comté de Castres, des seigneurs et comtes d'iceluy* (Toulouse, 1633), 22 [frag. trad. fr.]; *HGL*, t. 8, "Preuves," col. 625-35 [art. XLVI: col. 634 (erreur in *HGL*, l'art. 46 est désigné comme le précédent par "XLV")]; Auguste Galland, *Contre le franc-alleu prétendu par quelques provinces au préjudice du Roy* (Paris, 1629), 211 [*HGL* (8:625) indique par erreur, comme Molinier ("Catalogue," 464), pour l'ouvrage de Galland "p. 355"]; Girard, *Trois livres*, 3:1800-1802 [lat.], 3:1802-5 [trad.fr.]; Achille Luchaire, *Innocent III et la croisade des Albigeois* (Paris: Hachette, 1905), 189-91; Siméon Olive et Félix Pasquier, *Archives du château de Léran; Inventaire historique et généalogique des documents de la branche Lévis-Léran, devenue Lévis-Mirepoix* (Toulouse: Privat, 1903), t. 1:31; Roquebert, *L'épopée*, t. 1:691-717 [trad. fr.]; Rousset de Missy, et. al., *Supplément*, 75-77 [trad. fr.]; Timbal, *Conflit d'annexion*, 177-83 [lat.]; Pierre des Vaux-de-Cernay, *Hystoria Albigensis*, éd. Pascal Guébin et Ernest Lyon, t. 1-3 (Paris: Champion,

Dom Martène édite un remaniement d'après un manuscrit du marquis d'Aubais: le texte des statuts y est abrégé dans ses formules et précédé d'un préambule.[29] Les statuts y sont donnés comme un seul texte ne distinguant pas, comme le font l'original et ses copies, entre le texte des coutumes et celui des trois articles suivants. Le texte des coutumes est identique au languedocien Doat 21.

L'écho dans les sources littéraires et chroniques de la croisade albigeoise

Le parlement réuni à Pamiers en novembre 1212 à l'origine des statuts eut un retentissement limité dans les sources littéraires et les chroniques contemporaines de la croisade albigeoise. Le dépouillement des sources ne permet en effet de relever que deux mentions.[30] La lyrique est muette. On les trouve mentionnés dans les deux grandes chroniques contemporaines des événements, dont l'une se rattache à la chanson de geste. Il faut noter aussi que ces deux textes contemporains de la croisade, l'un en latin, l'autre en occitan, sont de la main d'auteurs favorables à la croisade, là où les textes virulents contre les exactions de l'envahisseur français sont silencieux. Il est possible que les statuts soient passés inaperçus ou aient été assimilés à un événement secondaire dans le camp méridional, qui a alors bien des difficultés à s'organiser; *a fortiori* parce qu'ils touchent les territoires des Trencavel.[31] D'autre part, si le texte réglementaire est remarqué il est probable que l'on n'ait pas voulu en faire publicité.

1926-1939), § 362-364 [le chroniqueur cite en partie les statuts]. On verra aussi *HGL*, 8:625; Molinier, "Catalogue," n^{os} 60 et 61, 463; et Timbal, *Conflit d'annexion*, 177.

29. Martène, *Thesaurus novus*, t. 1, 831-38 (cf. Doat 21, fol. 120-32). Martène numérote à la suite tous les articles de la charte de coutumes et de l'appendice.

30. Dépouillement manuel et, avec les réserves nécessaires, en faisant usage pour la littérature d'oc de la *Concordance de l'occitan médiéval: COM 2* (CD-ROM), dir. Peter T. Ricketts (Turnhout : Brepols, 2005).

31. On pensera au silence sur le devenir et l'administration des territoires du vicomte mort et de son fils mineur dans la partie anonyme de la *CCA*, pourtant grand chant de la reconquête. Voir Marjolaine Raguin, "Propagande politique et religieuse dans la Chanson de la Croisade albigeoise, texte de l'Anonyme" (thèse de Doctorat en Études occitanes, Université Paul-Valéry – Montpellier III, 2011), 168-69, 234-39, http://www.biu-montpellier.fr/florabium/jsp/nnt.jsp?nnt=2011MON30064; et Marjolaine Raguin, *Lorsque la poésie fait le souverain: Étude sur la* Chanson de la Croisade albigeoise (Paris: Honoré Champion, 2015).

Les statuts ne sont donc pas, pour de multiples raisons, l'urgence de la coalition méridionale.

Les deux textes qui les évoquent sont la chronique de Pierre des Vaux-de-Cernay, et la *canso* de Guilhem de Tudela.[32] Pierre, moine de l'abbaye des Vaux-de-Cernay était chroniqueur de croisade, son texte à vocation historisante rédigé en latin s'adresse à un public essentiellement clérical. Guilhem de Tudela est un clerc navarrais gravitant dans l'orbite croisée de Baudoin, frère de Raimond VI de Toulouse, élevé à la cour de France. Son texte rédigé dans cet occitan épique promeut l'entreprise croisée.[33] C'est certainement cette double vocation de texte historisant et pour un public favorable à la croisade qui distingue ces oeuvres et explique la mention du parlement de Pamiers.

Du texte de Guilhem, bref à ce sujet on retiendra trois choses: ceux réunis à Pamiers sont des clercs, de riches évêques et de nombreux grands barons, "Al parlament de Pamias a mot clercs ajustetz / E i as mant ric ivesque e mant baro de pretz"; on y prend des dispositions juridiques portant sur les usages et coutumes imposés au pays et à propos desquels sont rédigés des brefs et des chartes pour publication légale, " Uzatge e costuma, co om fai, so sabetz, / Meseron els païs, que son e grans e letz; / D'aiso fan faire cartas e breus ensageletz"; après quoi l'assemblée réunie à cette fin se sépare et les grands s'en retournent, "E puissas si s'en son en lor païs tornetz."[34]

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32. Des Vaux-des-Cernay, *Historia*, 141-43, §362-64. *La Chanson de la Croisade albigeoise* dont Guilhem de Tudela est l'auteur dans sa première partie (jusqu'à la laisse 131 incluse). Le passage de l'assemblée de Pamiers: *CCA*, laisse 127, v. 1-6. Nous utilisons la traduction de l'éditeur sauf mention contraire.

33. On pourra voir entre autres sur ces questions Marjolaine Raguin, "Hérésie et hérétiques dans la *Chanson* de Guilhem de Tudela," in *1209-2009, Cathares: Une histoire à pacifier? Actes du colloque international tenu à Mazamet les 15, 16 et 17 mai 2009 sous la présidence de Jean-Claude Hélas,* éd. Anne Brenon (Portet-sur-Garonne: Loubatières, 2010), 65-80.

34. *CCA*, laisse 127, v. 1-2: "Au parlement de Pamiers, nombreux furent les clercs, les puissants évêques et les barons de haut mérite." *CCA*, laisse 127, v. 3-5: "Ils imposèrent aux pays [conquis], dont l'étendue était grande, des statuts et des coutumes, comme cela se pratique, et en firent rédiger des chartes et des brefs scellés." Les adjectifs "grans" et "letz" pourraient bien porter sur les "uzatge" et "costuma" du vers précédent, et connoter plus encore la réception favorable à donner à ce nouveau

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La chronique de Pierre des Vaux-de-Cernay reprend, pour partie, le texte des statuts.[35] Il s'attarde plus que ne le fait Guilhem. Pierre indique qu'en novembre 1212 Simon convoque une assemblée à Pamiers réunissant les évêques et les seigneurs de sa terre afin de faire respecter les bonnes moeurs et la lutte contre l'hérésie dans le pays conquis et soumis à la Sainte Église Romaine afin d'y "implanter de bonnes coutumes pour assurer le culte de la religion chrétienne, comme dans le domaine temporel l'ordre et la paix."[36] Pierre des Vaux-de-Cernay précise en outre que pour l'établissement de ces coutumes, on élit douze membres qui constituent une commission de rédaction—toutes choses indiquées au début des statuts—et jurent de rédiger des coutumes telles que la situation du pays en serait améliorée.[37] Sans s'attarder sur la symbolique du nombre, ces douze sont: quatre ecclésiastiques (les évêques de Couserans et de Toulouse, un Templier et un Hospitalier), quatre chevaliers de France et quatre méridionaux (deux chevaliers et deux bourgeois);[38] la

règlement du pays sous la coupe de Simon de Montfort selon Guilhem de Tudela. *CCA*, laisse 127, v. 6: "Puis ils retournèrent chez eux."

35. Voir des Vaux-de-Cernay, *Historia*, 141 (note 4); texte 141-43. Le texte des statuts porte bien, à la différence de la formule canonique rappelant le "Décrétale de Lucius III, c. 9-X-V-7," que rappellent Guébin et Maisonneuve, "hereticorum" et non "haereticorum," leçon donnée par hypercorrection par ces traducteurs de l'*Historia albigensis*; on pourra faire une remarque analogue sur l'usage des majuscules.

36. Des Vaux-de-Cernay, *Hystoria*, 2:62, § 362: "bone, tam de cultu religionis christiane quam etiam de temporali terre illius pace et quiete, consuetudines plantarentur." Des Vaux-de-Cernay, *Historia*, 142.

37. Des Vaux-de-Cernay, *Hystoria*, 2:63, § 363: "Ad quas consuetudines statuendas electi fuerunt viri duodecim, qui super sacrosancta Evangelia juraverunt quod pro nosse et posse suo tales consuetudines ponerent per quas ecclesia sua libertate gauderet, tota etiam terra illa in statu firmaretur meliori." Des Vaux-de-Cernay, *Historia*, 142: "Pour établir ces coutumes, douze personnages furent élus: ils jurèrent sur les saints Evangiles que, selon leur science et leur pouvoir, ils rédigeraient des coutumes telles que l'Eglise jouirait de ses libertés et que la situation du pays serait améliorée et affermie."

38. Des Vaux-de-Cernay, *Historia*, 2: 63, § 363: "De illis autem duodecim electoribus quatuor fuerunt viri ecclesiastici (duo scilicet episcopi, Tolosanus et Cosoranensis, unus Templarius unusque Hospitalarius), quatuor preterea Francigene milites, quatuor etiam indigene (duo milites et duo burgenses); et satis competentes consuetudines, per quas sancte ecclesie, divitibus et pauperibus providebatur, per

répartition en trois tiers apparaît équitable, bien que tous soient évidemment acquis à Simon, et pas seulement les clercs et les Français. Sur cette présence d'une parité chevaliers (noblesse) et bourgeois (bourgeoisie citadine certainement) on pourrait voir un signe de la puissance de la bourgeoisie dans les villes méridionales, et peut-être avec cette chevalerie des villes qui constitue un entre-deux. Pourtant, on ne saurait ici réellement la comparer aux quatre chevaliers français, dans la mesure où eux sont représentatifs de ceux que la croisade a appelé et ne saurait représenter la sociologie de leur pays. Ces chevaliers français, noblesse aristocratique seront les époux potentiels auxquels l'article 46 des Statuts ouvre de nouvelles perspectives. Pierre insiste aussi sur la présence de Méridionaux (favorables à la croisade) parmi les rédacteurs—censée être le gage d'un consensus.[39]

Comme Guilhem, l'auteur de l'*Historia albigensis* souligne que les coutumes furent ratifiées.[40] En outre, il précise le soin et la science apportés à la rédaction de ces coutumes, ajoutant que Simon et ses chevaliers jurèrent de les respecter, cela est bien sûr l'indice de la part de l'auteur de la conscience qu'il a—et qui est à coup sûr celle de son milieu—d'où se situe à la fois le pouvoir qui s'exerce désormais sur le pays et la force de

viros ecclesiasticos, milites et burgenses posite sunt et firmate." Des Vaux-de-Cernay, *Historia*, 142: "Sur ces douze élus, il y eut, il y eut quatre ecclésiastiques (deux évêques, de Toulouse et de Couserans, un Templier et un Hospitalier de Saint-Jean), quatre chevaliers de la France du nord, et enfin quatre méridionaux (deux chevaliers et deux bourgeois) lesquels rédigèrent et promulguèrent des coutumes appropriées à la situation qui offraient des garanties à l'Eglise, aux riches et aux pauvres."

39. Des Vaux-de-Cernay, *Hystoria*, II, 63-64, § 363: "Nec sine causa ad ponendas sepedictas consuetudines quidam Francigene, alii indigene sunt electi, ut per hoc a cordibus hominum omnis tolleretur suspicio, dum tam hii quam illi aliquos haberent de suis consuetudinum statutores." Des Vaux-de-Cernay, *Historia*, 142-43: "Et ce fut intentionnellement que, pour rédiger ces coutumes on élut des gens du nord et des gens du midi, afin d'enlever la méfiance de tous les cœurs, puisque les uns comme les autres comptaient des représentants parmi ceux qui établissaient les coutumes."

40. Des Vaux-de-Cernay, *Hystoria*, 2:64, § 364: "ut etiam majorem obtinerent firmitatem, redacte sunt in scriptum, sigillis etiam comitis et omnium episcoporum qui ibi plures convenerant firmate sunt et munite." Des Vaux-de-Cernay, *Historia*, 143: "Pour leur donner une force encore plus grande, elles furent mises par écrit, ratifiées et sanctionnées par les sceaux du comte et de tous les évêques alors présents, et ils étaient nombreux."

coercition afférente, danger toujours latent pour la paix planifiée.[41] On remarquera qu'il faut, selon nous, exclure les méridionaux des hommes visés ici; Simon et ses hommes sont d'ailleurs les mêmes figurent régnantes sur le pays languedocien auxquelles se référera l'article 46 des Statuts de Pamiers.

Pierre donnant ces détails, matériellement avérés sur l'original conservé, sur les sceaux apposés, comme sa présence connue parmi les proches de la direction de la croisade, notamment son oncle Guy des Vaux-de-Cernay, il y a tout lieu de penser qu'il était présent lors de la rédaction des statuts à Pamiers. Il aura aussi évidemment pu voir la charte ou avoir bénéficié d'un récit circonstancié, mais enfin cela semble peu convaincant.

Cet auteur a le souci de faire apparaître les coutumes comme nées d'une concertation entre ecclésiastiques, Méridionaux et Septentrionaux, là où tous sont acquis à la croisade. De même, la pacification du pays, la justice et la protection de chacun, puissant ou faible, anime selon lui, l'esprit qui préside à cette rédaction.[42] Il s'agit de limiter l'impression de

41. Des Vaux-de-Cernay, *Hystoria*, 2:64, § 364: "Illi ergo viri duodecim, diu et multum secum deliberantes et inter se conferentes, tam bonas, immo tam optimas, consuetudines posuerunt quod per illas indempnitati ecclesie, immo toti rei publice, provisum est et consultum. Ut autem consuetudines ille inviolabiliter servarentur, antequam proferrentur in medium, nobilis comes omnesque milites sui super quatuor Evangelia juraverunt quod sepe memoratas consuetudines numquam presumerent violare." Des Vaux-de-Cernay, *Historia*, 143: "Ces douze personnages eurent des discussions longues et sérieuses et rédigèrent des coutumes si bonnes, si parfaites même qu'elles garantissaient la sécurité de l'Eglise, davantage encore, l'intérêt de tous. Pour qu'elles fussent inviolablement respectées, le noble comte et tous ses chevaliers jurèrent sur les quatre Evangiles qu'ils n'auraient jamais l'audace de violer les susdites coutumes."

42. Des Vaux-de-Cernay, *Hystoria*, 2:62-63, § 362: "terra siquidem illa ab antiquis diebus depredationibus patuerat et rapinis ; opprimebat quippe potens inpotentem, fortior minus fortem. Voluit igitur comes nobilis certas consuetudines fixosque limites terre dominis ponere, quos transgredi non liceret, quatinus et milites de suis certis et rectis reddibitus recte viverent, minor etiam populus sub alis dominorum posset vivere, inmoderatis exactionibus non gravatus." Des Vaux-de-Cernay, *Historia*, 142: "Car depuis des temps très anciens ce pays avait été exposé au pillage et au brigandage. Le puissant y opprimait celui qui était sans défense le plus fort celui qui était moins fort que lui. C'est pourquoi le comte voulait imposer à ses vassaux des coutumes

coercition étrangère, ces dispositions appartenant à une tradition culturelle bien distincte, et *a priori* objet de défiance. Guilhem s'embarrasse moins, après l'assemblée chacun rentre chez lui; et il omet de dire qu'il y a là des hommes du pays. Ni l'un, ni l'autre ne rend compte de la teneur des dispositions prises.

L'introduction de coutumes étrangères et la "colonisation juridique"

La distinction systématique dans le texte des statuts entre *Francigenis* et *indigenis* souligne l'extranéité des populations qui s'implantent avec Simon de Montfort et, de fait, celle du droit mis en œuvre pour gouverner dont on précise, lorsque celui-ci est à caractériser, qu'il est celui de l'usage de "Francie circa Parisius."[43] Les quatre derniers articles 43-46 qui traitent de l'héritage, par les femmes surtout, sont ceux du remplacement du droit écrit des pays occitans par le droit coutumier français.

Si l'on parle pour l'ensemble des statuts de Pamiers de "colonisation juridique" comme le fait Olivier-Martin, l'article quarante-six, appelle plus ample analyse touchant à la femme et aux enjeux liés à sa personne dans la résolution du conflit.[44] Cet article vise l'administration du pays par l'implantation de nouvelles lignées seigneuriales issues des barons français auxquels devront quasi exclusivement se marier les femmes du pays, nobles ou possessionnées. Cela aura un goût de colonies de peuplement, même non agressives, telles que les pratiquaient jadis Rome dans sa belle *provincia Narbonensis*.

La Croisade albigeoise est qualifiée explicitement de *crozada* dans les sources occitanes, et jouit de ce statut dans la législation canonique.[45] Si l'on distingue les croisades outre-mer de celles pratiquées en Occident

précises et des bornes fixes qu'il ne leur fut pas permis de violer, afin que les chevaliers pussent vivre honnêtement de revenus déterminés et légitimes, et que le menu peuple put vivre aussi sous l'aile du seigneur sans être accablé par des exactions arbitraires."

43. Voir art. 12, 43, 1 *bis* et 3 *bis*. Cet usage s'oppose au pays languedocien "partibus istis" (art. 3). On verra Albert Rigaudière, "La royauté, le Parlement et le droit écrit aux alentours des années 1300," *Comptes rendus des séances de l'Académie des Inscriptions et Belles-Lettres* 140, no, 3 (1996), 885-908, plus spécifiquement 887-88.

44. Martin, *Histoire de la coutume*, 37, 72.

45. Voir *CCA*, notamment laisse 12, v. 19; Raguin, *Propagande*, 488. Voir notamment Raymonde Foreville, *Latran I, II, III et Latran IV* (Paris: Éditions de l'Orante, 1965), 61 et 147; et Raguin, *Propagande*, 150.

contre des hérétiques, aux confins des terres païennes en direction de l'Est lors des croisades nordiques, ou sur fonds de différends politiques notamment avec l'empereur Frédéric puis essentiellement avec Conradin, l'historiographie contemporaine considère, dans sa grande majorité, que ce que la législation médiévale qualifie de croisade en accordant les privilèges temporels et spirituels de celle-ci, sera considéré comme telle.[46] La Croisade albigeoise (1209-1229), lancée par Innocent III et continuée par Honorius III pour poursuivre les fauteurs d'hérésie et leurs protecteurs, avec l'appui des barons français essentiellement (du nord de la France, des occitans du Centre, mais aussi des Bavarois, des Allemands, des Frisons, des Anglais), se fait sans implication personnelle du roi Philippe Auguste, mais avec celle de Louis son fils.

Elle se solde par l'échec de la poursuite de l'hérésie, signalé notamment par la création de l'Inquisition en 1233 dont les derniers procès ont lieu au début du XIV^e^ siècle, mais avec une belle victoire de la stratégie territoriale d'expansion et d'affermissement du royaume de France avec la signature du Traité de Paris, le 12 avril 1229. Raimond VII, comte de Toulouse, cède au roi Louis ses possessions provençales, et accorde sa fille unique Jeanne (née en 1220, dès lors élevée à la cour française) en mariage au frère du roi Alphonse. Le comté entre par Jeanne dans les possessions de la couronne de France; d'autant mieux que Raimond ne parviendra pas à se remarier. Jeanne et Alphonse mourront opportunément sans descendance en 1271, la comtesse ne lui survivant que quelques jours. Déjà sous leur autorité le pouvoir sur le comté de Toulouse s'exerçait par l'entremise d'un sénéchal, le couple princier résidant en région parisienne ou outre-mer en croisade.

La croisade fait disparaître les deux grandes lignées de la féodalité languedocienne: les Raimondins de Toulouse et Saint-Gilles (parmi leur ample titulature), et les vicomtes Trencavel; de même qu'elle a réduit à

46. Pour une synthèse, voir Michel Balard, *Croisades et Orient latin (XI^e^-XIV^e^ siècle)* (Paris: Armand Colin, 2003 [2001]). On pourra voir aussi les travaux de Jean Flori qui, lui, notons-le, ne considère comme croisade que l'expédition pour la Terre sainte. Voir notamment Jean Flori, *La guerre sainte, la formation de l'idée de croisade dans l'Occident chrétien* (Paris: Aubier, 2009 [2001]), 357.

néant les prétentions aragonaises sur le Languedoc (hors de Montpellier) après la mort de Pierre II.[47]

À la fin de l'année 1212, à l'heure des statuts de Pamiers, Simon qui mourra devant Toulouse en 1218 s'est rendu maître du Languedoc, à l'exception de Toulouse et de Montauban. Légiférer pour l'ordonnancement du pays conquis signale une installation durable de ce seigneur venu d'Île de France, proche du cercle des prédicateurs de la croisade albigeoise.[48]

Si le but avoué est de poursuivre l'hérésie, il est surtout clair qu'il y a là par les conquêtes militaires, puis les mariages à venir, l'occasion d'agrandir les domaines des français vainqueurs. Il ne s'agit plus alors seulement de pacification ponctuelle du pays et de redressement de la foi par la facilitation de la prédication et le redressement de l'institution ecclésiale locale mais bien de modifier structurellement dans ses usages, ses allégeances et par ses lignages la noblesse méridionale.[49] Les hommes français, fondateurs ou rénovateurs de lignées, pourront administrer le pays selon le droit de la coutume de Paris qui leur est familier; ce qui devait—cela, et leurs nouvelles possessions—les inciter à rester.

Cette colonisation juridique constitue un projet d'intégration et d'acculturation des élites locales par un changement des lignages au moyen de la contrainte s'imposant aux femmes.

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47. On pourra voir notamment Monique Zerner-Chardavoine, *La Croisade albigeoise* (Paris: Gallimard Julliard, 1979); Martín Alvira Cabrer, *12 de Septiembre de 1213: El Jueves de Muret* (Barcelona: Universitat de Barcelona, 2002); et Marjolaine Raguin, *Propagande*.

48. On pensera notamment à Guy des Vaux-de-Cernay, l'oncle de Pierre qui devint évêque de Carcassonne.

49. Si la noblesse méridionale a pu poser question en tant que telle, notamment en ce qui concerne les nobles en milieu urbain à Toulouse, voir par exemple Philippe Wolff, "La Noblesse toulousaine: Essai sur son histoire médiévale," dans *La noblesse au Moyen Age, XI^e^-XV^e^ siècles: Essais à la mémoire de Robert Boutruche*, éd. Philippe Contamine (Paris: Presses Univesitaire Française, 1976), 153-74, il ne fait ici pas de doute que le rédacteur comme l'assemblée réunie à Pamiers distingue des femmes nobles des autres.

La portée de l'article quarante-six des statuts de Pamiers: Parler de colonisation

Les femmes et le mariage lors des événements de la croisade albigeoise

On ne reviendra ici que très brièvement sur le statut des femmes lors de la croisade albigeoise et après. L'histoire de la condition féminine et des femmes en Languedoc, si elle a progressé, notamment avec les études consacrées aux hérétiques, à leurs familles et leurs ordres, souffre encore de longs silences. Les renseignements sont bien ténus pour la plupart.[50] Nous voudrions retenir ici les grandes orientations données

50. Les grands travaux ou recueils d'articles portant sur la femme au Moyen Âge (y compris en *gender and women studies*), ou l'histoire du mariage tels que (et parmi tant d'autres) Jack Goody, *The Development of the Family and Marriage in Europe* (Cambridge: Cambridge University Press, 1983); Jean Heuclin et Michel Rouche, dirs., *La femme au Moyen* Âge (Maubeuge: Ville de Maubeuge, 1990); *Femmes, mariages, lignages: XII^e-XIV^e siècles: Mélanges offerts à Georges Duby*, dir. Jean Dufournet, André Joris, et Pierre Toubert (Bruxelles: De Boeck Université, 1992) ne s'y intéressent pas, sauf dans ce dernier le cas de l'article de Monique Zerner consacré à la française Alix. On pourra voir Georges Duby, *Le Chevalier, la femme et le prêtre: Le mariage dans la France féodale* (Paris: Hachette, 1981), mais essentiellement centré sur les XI^e et XII^e siècles et la France. Les chapitres concernés de l'ouvrage d'Emmanuel Le Roy Ladurie ne nous renseignent guère non plus; voir Emmanuel Le Roy Ladurie, *Montaillou, village occitan de 1294 à 1324* (Paris: Gallimard, 2001 [1975]). On verra aussi *Histoire des femmes en Occident*, t. 2, *Le Moyen Âge*, dir. Christiane Klapisch-Zuber (Paris: Perrin, 2002). Sur les femmes au contact de l'hérésie albigeoise ou dans leur vie religieuse, on verra les articles recueillis dans *La Fmme dans la vie religieuse du Languedoc (XIII^e-XIV^e siècle)* et particulièrement les contributions de Gilles, "Le statut de la femme," et de Carbasse, "La condition de la femme mariée." Dans cet article, Carbasse mentionne les Statuts de Pamiers mais pour parler de la répression de la prostitution par Simon de Montfort chassant les prostituées hors de ses domaines (107, 112n24). Gwendoline Hancke, "Les Femmes nobles languedociennes à l'époque du catharisme," (thèse de Doctorat en Histoire, Université de Poitiers, 2005), 67, mentionne les Statuts mais sans en tirer grand-chose pour son sujet; attention, les Statuts donnent bien *dix* années comme durée de ce contrôle des mariages et non trente. Les travaux d'Anne Brenon *Les femmes cathares* (Paris: Perrin 1992), comme ceux de Hancke, sur les femmes hérétiques ne font pas non plus état de conséquences de ces Statuts, sans que l'on doive vraiment s'en étonner: fondés sur les sources d'Inquisition, on peut penser que les femmes mariées dans ce cadre échappent à leur champ. Enfin, les travaux de Claudie Duhamel-Amado se sont attachés aux femmes et à leur condition dans le mariage

par Georges Duby qui, malgré des nuances bien nécessaires, demeurent un point de départ efficace: le mariage assure la permanence des structures sociétales, il officialise la "confluence de deux 'sangs,'" et la femme mariée, qui demeure étrangère dans la lignée de son époux, a pour fonction d'assurer une descendance mâle.[51] Le contexte idéologique et stratégique de rédaction de cet article 46 est celui-là.

La *Chanson de la Croisade albigeoise* met en scène des combattantes dans l'armée méridionale de résistance à la croisade, y compris de belles dames; sans compter le *topos* des belles hérétiques. On est pourtant peu

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dans sa grande étude sur la genèse des lignages méridionaux du Xe au XIIe siècles; voir Claudie Duhamel-Amado, *Genèse des lignages méridionaux*, t. 1, *L'Aristocratie languedocienne du Xe au XIIe siècle* (Toulouse: CNRS-Université de Toulouse – Le Mirail, 2001), 106-12, 322-38. On verra aussi Jean Verdon, "Les sources de l'histoire de la femme en Occident aux Xe-XIIIe siècles," 129-61 [ne pas négliger la discussion finale en raison des lacunes de l'exposé, voir 160-61] *Cahiers de civilisation médiévale* 20, nº 78-79 (1977): 219-51, http://www.persee.fr/issue/ccmed_0007-9731_1977_num_20_78. En somme, si l'on est bien renseignés sur le statut des femmes languedociennes entre les Xe et XIIe siècles, dans le mariage notamment, ou sur les hérétiques de la fin du catharisme persécuté par l'inquisition, il est extrêmement difficile de trouver des études historiques intéressées par leur statut dans la première partie du XIIIe siècle, et particulièrement hors du prisme de l'accusation d'hérésie.

51. Voir notamment Duhamel-Amado, *Genèse*, 322, 337. Sur la puissance des femmes languedociennes, on pourrait espérer une étude comparable à celle que Martin Aurell mena pour la Provence, voir Martí Aurell i Cardona, "La détérioration du statut de la femme aristocratique en Provence (Xe-XIIIe siècles)," *Le Moyen Age: Revue d'histoire et de philologie* (1985): 5-32. Georges Duby, "Le mariage dans la société du haut Moyen Âge," *Il Matrimonio nella societá altomedievale: Atti della XXIV Settimana di Studio del Centro italiano di Studio sull'alto Medioevo (1976)*, 2 t. (Spoleto: Centre italiano de studi sull' alto medioeveo, 1977), 1:13-39. Cité d'après une réédition dans Georges Duby, *Qu'est-ce que la société féodale?* (Paris: Flammarion, 2011 [2002]), 1417-32. Duby signale l'insistance des auteurs médiévaux sur la noblesse de l'ascendance maternelle, souvent bien supérieure à celle du père (1427), on se souviendra à ce titre des diverses mentions des Raimondins de Toulouse (VI et VII), fils de reines (sœurs de rois) dans la *Chanson de la Croisade albigeoise* et bien d'autres sources mentionnant leur généalogie. Sur la place des femmes dans le lignage raimondin, voir notamment Laurent Macé, *Les Comtes de Toulouse et leur entourage: Rivalités, alliances et jeux de pouvoir, XIIe-XIIIe siècles* (Toulouse: Privat, 2000), 57-64. Sur le statut des femmes mariées languedociennes à l'époque immédiatement précédente, voir Duhamel-Amado, *Genèse*, 334-38.

renseignés sur les aspects juridiques touchant les femmes pendant cette période.

On est mieux renseigné à ce titre sur la condition des femmes du côté français pendant la croisade, particulièrement en ce qui concerne Alix de Montmorency, épouse de Simon. Alix est mentionnée à de nombreuses reprises dans la chronique de Pierre des Vaux-de-Cernay, et dans la *Chanson de la Croisade albigeoise*. L'un y voit un soutien pastoral de son mari dans cette pieuse entreprise—Alix suit la mouvance parisienne de Foulques de Neuilly—alors que l'autre en construit l'image de la femme languissante à la fenêtre et apeurée, l'anti-modèle de la Toulousaine.[52]

La bibliographie, y compris juridique dans le cadre des statuts, ne s'intéresse que secondairement aux femmes dans ce contexte. Même lorsque ce sont les alliances contractées par des femmes indigènes qui permettent aux chevaliers français de s'implanter en Languedoc, c'est la condition des femmes en religion qui semble donc avoir pris le pas dans nos études.[53]

La colonisation comme catégorie critique de la médiévistique

Michel Balard déjà en 1989 déclarait que l'on ne peut plus écrire que la colonisation débute à l'époque moderne, affirmant qu'elle est une action de trois natures: domination économique, domination politique, domination culturelle.[54]

Les principaux travaux sur la colonisation au Moyen Âge dans la zone méridionale et méditerranéenne de l'Europe se préoccupent pour l'essentiel des affaires italiennes ou d'outre-mer, relativement peu des affaires catalano-aragonaises dans les Baléares, et pas du tout de celles de l'arrivée française en territoire languedocien.[55]

52. Voir Monique Zerner, "L'Épouse de Simon de Montfort et la croisade albigeoise," in Dufournet, Joris, et Toubert, *Femmes, mariages, lignages*, 449-70. Voir Raguin, *Propagande*, 428-32.

53. Voir, parmi bien d'autres, Cahiers de Fanjeaux 23, exemplaire pour son titre, *La Femme dans la vie religieuse du Languedoc: XIII^e^-XIV^e^ siècle*.

54. *État et colonisation au Moyen Age et à la renaissance: Actes du colloque international organisé à Reims du 2 au 4 avril 198*, dir. Michel Balard (Lyon: La Manufacture, 1989), 12.

55. C'est ce que déplore aussi Bernard Rosenberger, review of *État et colonisation au Moyen Age et à la Renaissance*, dir. Michel Balard (Lyon: La Manufacture, 1989),

La principale difficulté à parler de colonisation dans ce cadre réside dans la distinction à faire entre les intentions et les faits. Évoluant ici dans un cadre théorique, on s'en tient ici aux intentions telles que l'on peut les expliciter sur la base de cet article et de sa rédaction. Ces intentions correspondent à celle d'une colonisation selon les éléments de définition lexicologique et de critères historiographiques évoqués. Les faits sont plus nuancés, en raison d'un rapide métissage juridique, d'une forte endogamie française et du peu d'implantations durables notamment en raison des rébellions qui ont frappé le pays dès 1216.[56]

Médiévales 20 (1991): 116-119, http://www.jstor.org/stable/43026747. On verra notamment Balard, *État et colonisation*; Michel Balard et Alain Ducellier, dirs., *Coloniser au Moyen Âge* (Paris: A. Colin, 1995); *Le Partage du monde: Échanges et colonisation dans la Méditerranée médiévale*, dir. Michel Balard et Alain Ducellier, Publications de la Sorbonne. Série Byzntina Sorbonensia; 17 (Paris: Publications de la Sorbonne, 1998); ou Michel Balard, "Colonisation et mouvements de population en Méditerranée au Moyen Âge," in *Les Échanges en Méditerranée médiévale: Marqueurs, réseaux, circulations, contacts*, dir. Elisabeth Malamut et Mohamed Ouerfelli (Aix en Provence: Presses universitaires de Provence, 2012), 107-20; Michel Balard, "L'Expansion occidentale, XI^{e}-XV^{e} siècles: Formes et conséquences: Introduction," *L'Expansion occidentale, XI^{e}-XV^{e} siècles: Formes et conséquences. Actes du XXXIII^{e} Congrès de la S.H.M.E.S.P, Madrid, Casa de Velázquez, 23-26 mai 2002*, Société des historiens médiévistes de l'enseignement supérieur public, Publications de la Sorbonne. Histoire ancienne et médiévale; 73 (Paris: Publications de la Sorbonne, 2003), 11-22. On trouvera de nombreux travaux, sans réel accord de définition du vocabulaire employé, concernant les études vikings ou l'Europe centrale au Moyen Age (on verra la bibliographie mise en œuvre dans les premières pages de Pierre Bauduin, "Lectures (dé)coloniales des vikings," *Cahiers de civilisation médiévale* 59 (2016): 1-18. On pourra voir aussi les articles des entrées "Landesausbau und Kolonisation" et "Colonisation," dans le *Lexikon des Mittelalters*, t. 5. (Munich: Artemis Verlag, 1991), respectivement col. 1643-53 (I. *Mitteleuropa*, Werner. Rösener, col. 1643-45; II. *Westeuropa*, Robert Fossier, col. 1646-47; III. *England*, Edmund J. King, col. 1647-48; IV. *Italien*, Vito Fumagalli, col. 1648-49; V. *Ostmitelleuropa*, Wolfgang Irgang, col. 1649-53); et le *Dictionnaire du Moyen Âge*, dir. Claude Gauvard, Alain de Libera, Michel Zink (Paris: Presses Universitaires Française, 2002), 308-9, article de Michel Balard. Pour la question qui nous occupe, on trouvera une exception, marginale et de vulgarisation—cela est significatif—à lire dans Jean-Louis Biget, "Croisade contre les Albigeois: le Nord a-t-il colonisé le Sud?," *L'Histoire*, 255 (2001): 44-49.

56. Nous entendons évidemment l'endogamie au sens de mariages entre français, y compris installés en pays d'oc, et donc sans mélange avec les indigènes. Un mélange

La seconde difficulté frappe l'histoire des femmes et ses silences, qui rejaillissent sur une nécessaire histoire du rôle des femmes dans les stratégies de colonisation.[57]

Le concept de colonisation fait bien partie de l'arsenal critique du médiéviste et on aura intérêt, il semble, à en faire usage, non seulement pour parler de l'instauration de la coutume de Paris par les statuts de Pamiers mais pour mieux comprendre l'entreprise d'implantation des croisés qui s'y signale et en prendre toute la mesure politique, et sociale.

La colonisation dans le cas de la croisade albigeoise, les dispositions de l'article quarante-six

La critique retient le plus souvent ces statuts comme l'acte de remplacement du droit écrit méridional par la coutume de Paris. Le phénomène a été analysé comme une colonisation juridique du pays languedocien, au vu de l'article 46, il est pertinent de faire l'hypothèse de dispositions pour une colonisation de peuplement.[58]

C'est là avant tout poser le problème d'une définition. Le *Trésor de la langue française* donne pour ce mot la définition suivante (sens 1) "[En parlant de l'action de pers.] Occupation, exploitation, mise en tutelle d'un territoire sous-développé et sous-peuplé par les ressortissants d'une métropole."[59] Si ce dictionnaire se compose avant tout dans l'idée de ce que fut la colonisation à l'époque moderne, cette définition n'est pas

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de races, qu'avec Elisabeth van Houts (cf. *supra*), nous qualifierions d'exogamie en français. Timbal, *Un conflit d'annexion*, 113, signale que les alliances avec les "familles indigènes" sont contractées essentiellement à partir de la fin du XIII^{e} siècle par ces familles qui ont fait souche en Albigeois, et qui abandonnent progressivement dans leur pratique juridique la coutume parisienne (voir le cas évoqué des Montfort et Lévis-Mirepoix). Citons la note 1, p. 113: "Le cas des Lévis est particulièrement net: jusqu'à Guy III, mort en 1299, on ne trouve que des mariages avec des membres de familles françaises; Jean 1er, son fils, inaugure les mariages indigènes, Ce constat serait certainement à nuancer, Pierre Timbal ne s'étant pas penché sur tous les lignages, mais seulement les puissants ; ce qui est en soi un bon indicatif des usages d'une classe.

57. On pourra voir sur ces silences l'introduction générale dans Michelle Perrot, *Les Femmes ou les silences de l'Histoire* (Paris: Flammarion, 1998), i-xvii.

58. Olivier-Martin, *Histoire de la coutume*, 37, 72.

59. *Trésor de la Langue Française informatisé*, http://atilf.atilf.fr/tlf.htm, consultation en date du 4 juin 2015.

étrangère à l'analyse que l'on peut donner de l'implantation albigeoise saisie à travers cet article 46 des statuts de Pamiers.

On s'attachera ici à reprendre les éléments de définition du *TLFi* et à les appliquer comme pierre de touche de la situation examinée. Il s'agit bien dans ce texte: *d'occupation* d'un territoire par l'implantation de lignages français; de son *exploitation*, puisque les nouveaux seigneurs français en tirent de substantielles richesses; et enfin de *mise en tutelle* sous l'autorité de Simon et de ses nouveaux vassaux.[60]

Ce territoire est considéré comme *sous-développé*, c'est un fait, peut-être pas tant du point de vue économique que du développement de la vie intellectuelle religieuse; la prise en main française implique la création rapide de l'université de Toulouse, et l'importation de savants parisiens. Cela, en vertu de l'idée selon laquelle que l'hérétique l'était bien souvent par manque d'instruction, doctrine qui justifie les campagnes de prédication.[61] Le sous-développement touche aussi l'aspect juridique. En

60. Belperron, *La Croisade*, 271-72, à qui l'on ne saurait faire le procès d'un esprit anti-français, souligne qu'afin de les doter Simon attribue des territoires conquis à ses compagnons (les indigènes étant condamnés au *faidiment*): "C'est ainsi que Guy de Lévis reçut la Terre du Maréchal, Bouchard de Marly: Saissac, Enguerrand de Boves: Saverdun, Lambert de Thury: Limoux, Robert Mauvoisin: Fanjeaux, Guy de Montfort: Castres et Lombers, Alain de Roucy: Termes et Montréal, Guillaume de Contres: Castelsarrasin, Pierre de Voisins: le Haut Razès avec Arques et Alet, Pierre de Cissey: Verdun-sur-Garonne, Philippe Goloin: Sorèze, Arnaud de Montaigut: Biron, Frémis le Franc: Roumengoux, Guillaume des Essarts: Villesiscle, Rainier de Chaudron: Puivert, Guy de Lucy, puis Foucaud de Berzy: Puylaurens, Hugues de Lacy: Laurac et Castelnaudary, etc." Liste que cet auteur déclare non exhaustive et ne comprenant de toute manière que les principales possessions. Il est évident que Simon dote ses compagnons fidèles.

61. Cette conception d'un défaut d'instruction, à tout niveau, ne vise pas seulement le simple croyant ignorant, mais aussi le membre d'un clergé hérétique auquel on ne reconnaît que la ruse et non une science des textes, d'ailleurs souvent connu en vulgaire. Rappelons par exemple l'accusation formulée dans *Las Novas del heretje*, Peter T. Ricketts, *Contributions à l'étude de l'ancien occitan: Textes lyriques et non-lyriques en vers*, Association Internationale d'Etudes Occitanes; 9 (Birmingham: AIEO/University of Birmingham, 2000), 75-113; 77, laisse III, v. 63-67: "L'us teis e l'autre fila, l'autra fai so sermo / cossi a fag Diable tota creatio. / Anc mays aital mainada trobada no fo / c'anc no saupro gramatica ni de letra que·s fo, / e cujo Dieu mermar de sa possessio." "L'un tisse et l'autre file, la troisième fait son sermon comme quoi le Diable est auteur de toute la création. Jamais n'a-t-on vu pareille

plus de servir la domination, les coutumes parisiennes importées sont à l'évidence jugées supérieures—notamment le droit de la primogéniture masculine à l'héritage afin d'empêcher le fractionnement des fiefs.[62]

L'aspect de *sous-population*, s'il ne touche pas l'ensemble du Languedoc et ne pourrait être retenu avant la conquête, devient recevable une fois que l'on a débarrassé le pays par la croisade et la nouvelle législation, de tous ceux accusés de favoriser l'hérésie. Des dépossessions auxquelles s'ajoutent les départs spontanés d'individus inquiets ou ruinés, le plus souvent en Catalogne voire pour la péninsule italique. Il faut bien gouverner et faire administrer le pays conquis et, en l'absence de sa noblesse lignagère, on la remplace.

Enfin, la condition *d'exercice du pouvoir de colonisation par une métropole et ses ressortissants* est double dans ce cas. Il y a d'abord la France, Paris et ses alentours ici au sens strict, et son roi dont Simon est pour partie délégataire à la croisade. Il faut compter aussi avec l'Église de Rome dont il est le bras armé.

Cet article 46 correspond à la définition d'une colonisation. L'implantation de la coutume de Paris (la "colonisation juridique") et les dispositions relatives aux femmes ont vocation à générer un peuplement et une

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bande qui jamais ne sût ce que c'était que la grammaire ou les lettres, et ils croient rogner à Dieu ses possessions." Il est évident ici que la grammaire et les lettres désignent celles qui s'acquièrent en latin.

62. Sur ce phénomène bien documenté et étudié en Languedoc, voir Hélène Débax, *La Féodalité languedocienne XI^e^-XII^e^ siècles: Serments, hommages et fiefs dans le Languedoc des Trencavel* (Toulouse: Presses universitaires du Mirail, 2003), 220-30. On verra aussi *Fiefs et féodalité dans l'Europe méridionale (Italie, France du Midi, Péninsule ibérique) du X^e^ au XIII^e^ siècle: Colloque international organisé par le Centre Européen d'Art et Civilisation Médiévale de Conques et l'Université de Toulouse-Le Mirail (Conques, 6-8 juillet 1998)*, éd. Pierre Bonnassie (Toulouse: Université de Toulouse-Le Mirail, 2002). Notamment dans ce volume Pierre Bonnassie, "Introduction," 7-21 (état des lieux des discussions sur le fief et la féodalité); voir aussi la section consacrée au Midi de la France, Hélène Débax, "Fief et *castrum*: Le fief dans les serments de fidélité languedociens du XI^e^ siècle," 137-43; Claudie Duhamel-Amado, "Inféodations entre parents dans le Languedoc méditerranéen (XI^e^ et XII^e^ siècles)," 145-65; Elisabeth Magnou-Nortier, "La "féodalité" méridionale a-t-elle existé? Réflexions sur quelques sources des X^e^, XI^e^ et XII^e^ siècles," 167-201.

implantation de lignages français. Les statuts en sont la source, et non la conséquence. Dès lors, l'intention est manifeste.

Pourtant parler de colonisation dans le cadre de la croisade albigeoise, se fera à mots couverts, non pas qu'il y ait anachronisme à parler de colonisation pour tout ce qui touche le bassin méditerranéen même proche (en Corse ou en Sardaigne), mais il semble que l'on rechigne à considérer ainsi l'action prévue par les Statuts de Pamiers.[63] S'il est vrai qu'une bonne partie des territoires languedociens sont inféodés au roi de France (sans négliger le roi d'Aragon), cela n'empêchera pas un rapport colonisateur/colonisé. On sait aussi par les sources littéraires françaises et occitanes, que les deux partis, Septentrionaux et Méridionaux entretiennent mutuellement des ethnotypes et stéréotypes dégradants. Ainsi, même inféodée au roi de France, puis au roi d'Aragon, Toulouse considère les Français comme des étrangers, opposant un "nos" à une "gent estranha."[64] Il faut ici rappeler les travaux de Robert Bartlett sur *the making of Europe* dans lequel il rappelle que la conquête, la colonisation et les changements culturels entre 950 et 1350 s'appuient sur des relations de races fondées sur une opposition de langue, de loi, de pouvoir et de sang.[65]

Avec la maîtrise des mariages, donc des lignées et des naissances, on touche pour une durée décisive aux trois aspects énoncés notamment par Balard pour caractériser la colonisation. Remplacer les lignées c'est prendre possession politiquement, et économiquement du pays. Le fief a une dimension économique et politique propre cruciale pour les lignages, et il est part de la macrostructure du pays soumis.[66] La domi-

63. Rappelons que Rome et la Grèce antique en sont déjà témoins.

64. Pour ce "nos" (*nous*) toulousain, voir par exemple *CCA*, laisse 213, v. 75-76. La "gent estranha, que fa·l lum escantir" que l'on trouve à la laisse 196, v. 21, (*les étrangers qui font s'éteindre la lumière*) sont les croisés, paradigmatiques *clergues e frances* de la laisse 132, v. 1.

65. Robert Bartlett, *The Making of Europe. Conquest, Colonization and Cultural Change, 950-1350* (London: Penguin Books, 1993), particulièrement 197-220.

66. On se souviendra des difficultés des *jeunes* non chasés. Voir par exemple Georges Duby, "Dans la France du Nord-Ouest: Au XII^{e} siècle: Les 'Jeunes' dans la société aristocratique," *Annales ESC* 19, no. 5 (1964): 835-46, http://www.jstor.org/stable/27576254. Cité d'après une réédition dans Duby, *Qu'est-ce que la société féodale?* (Paris: Flammarion, 2011), 1146-58.

nation culturelle est quant à elle une conséquence directe: une fois les lignages francisés ou demeurés entre des mains méridionales favorables au parti croisé, les structures traditionnelles de mécénat aux poètes sont modifiés.[67]

On pourrait, sur cette base, répéter la démonstration et de constater, à nouveau, que l'article 46 des statuts de Pamiers est bien celui de l'exercice d'un pouvoir relevant de ces trois natures. On verra pourtant que les études des mariages effectifs à partir des dispositions testamentaires et des dévolutions d'héritages, permettent de nuancer les effets réels de cet article 46 et l'idée générale d'une dimension colonisatrice de la croisade ou de l'implantation de lignages et d'ordonnancement du pays.

L'impact limité: des français endogames et le Traité de Paris

Les statuts, en n'oubliant ni le paysan ni le bourgeois, permettent à Simon de Montfort de se signaler comme maître à long terme du pays dans lequel il s'implante. Attribuer des seigneuries à ses fidèles est signe de son intention d'exercer son pouvoir de manière pérenne et avec le soutien de l'Église. Ce seigneur venu d'Île de France s'installe en Languedoc sur de vastes territoires pour gouverner le pays à la mode de chez lui, c'est-à-dire selon le droit de la coutume de Paris, entouré de proches vassaux qui constituent déjà son entourage francilien pour la plupart.[68]

On remarque pourtant que la portée de ces statuts de Pamiers pour l'implantation durable de lignages septentrionaux fut limitée. Bien que Simon et ses barons fassent "souche en Albigeois," la coutume de Paris ne s'appliqua en réalité qu'aux terriers qui avaient été dotés par Simon essentiellement sur le démembrement des terres de Trencavel.[69] Les seigneurs arrivés en Languedoc eurent tendance à l'endogamie en raison des difficultés liées à la conciliation des droits parisien et méridional. Seules les lignées françaises concluent leurs contrats selon la coutume parisienne établie en Languedoc: il faudra attendre la fin du XIII^{e} siècle et un assouplissement des règles parisiennes, ou plus exactement leur

67. Voir notamment Raguin, *Propagande*, 21-31; et Martin Aurell, *La Vielle et l'épée: Troubadours et politique en Provence au XIII^{e} siècle* (Paris: Aubier, 1989).

68. Michel Roquebert, *Simon de Montfort: Bourreau et martyr* (Paris : Perrin, 2005).

69. Timbal, *Conflit d'annexion*, 113, 35-37.

adaptation au droit méridional, pour que se concluent réellement des alliances entre familles françaises et indigènes.[70] Auparavant, les français auxquels on a inféodé des territoires de *faiditz* occitans ont tendance à prendre des femmes, éventuellement nées dans les pays d'oc, mais de lignages français afin de faciliter la conclusion des mariages et de mettre d'accord les parties en ce qui concerne les héritages.[71] Nombreux, ils n'avaient pas de réelles raisons de se lier à des femmes méridionales.

S'il y a bien une visée colonisatrice par l'implantation durable de lignages français en Languedoc, plus encore que de populations au sens large, celle-ci se pratique par le biais, essentiellement, de la dépossession et du *faidiment* des seigneurs méridionaux et la récupération de leurs fiefs, inféodés par Simon à ses fidèles. C'est là le mécanisme principal de prise de possession du pays par les lignages français. L'article 46 des statuts de Pamiers est à n'en pas douter un texte de colonisateur, visant *par le ventre* à implanter des lignages et à ligoter la révolte, mais il ne semble pas avoir eu d'effet majeur.

L'animosité entre les partis ne put au cours de cette décennie faciliter les affaires matrimoniales. Il est par ailleurs sûr que le clivage culturel et les rancoeurs, comme le sentiment très net d'envahissement transmis par la littérature (et parfois les chartes) permettent de penser que, hors du cas d'alliances stratégiques pour ce qui concerne la très haute noblesse, les femmes méridionales nobles de moindre patrimoine devaient avoir une certaine prévention contre les alliances avec l'ennemi.[72] Une défiance qui s'exerce dans les limites des possibilités qu'elles ont de manifester leur volonté.

On serait d'ailleurs en droit de s'interroger sur l'impact de cette réglementation sur le célibat des femmes nobles des terres conquises, qui

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70. Timbal, 113-16.

71. Sur l'importance des tractations précédant le mariage de deux partis, voir Duby, "Le mariage."

72. Voir notamment Aurell, *La Vielle et l'épée*. C'est le cas de Pétronille de Bigorre, fille du comte Bernard IV de Comminges et de Bigorre, mariée à Guy de Montfort fils de Simon après la défaite des coalisés méridionaux à Muret. Simon fait casser le précédent mariage de Pétronille pour lui donner son fils. Sur les stratégies matrimoniales des princes méridionaux voir aussi Aurell, *Les noces*, et "Stratégies matrimoniales"; Duhamel-Amado, *Genèse*; et Macé, *Les comtes*.

entrèrent bien souvent en religion (hérétique) se tenant ainsi à l'écart du monde, et peut-être des hommes de Simon. Si le motif est certainement trop faible à lui seul, la corrélation des données permettrait d'estimer s'il put y avoir là un supplément d'âme offert à la retraite religieuse au vu de l'alternative.

Le délai de dix années de 1212 à 1222 fut en partie celui de la rébellion des Méridionaux menée notamment par le jeune comte de Toulouse et ses fidèles, dont de nombreux *faiditz*, et les reconquêtes territoriales furent réelles, de même que les changements de camps de bon nombre des soutiens occitans à Simon en 1212.

Enfin, le 12 avril 1229 le Traité de Paris dispose que, sauf la Terre du Maréchal—celle de la dynastie Lévis-Mirepoix—qui sera dorénavant détenue par son héritier directement du roi, toutes les autres seigneuries seront restituées à leurs détenteurs historiques occitans non convaincus d'hérésie. Cela a pour conséquence de déposséder et de renvoyer en région parisienne bon nombre de Français compagnons de Simon (mort en 1218).

Timbal remarque que la coutume de Paris reste applicable aux terres de conquête, la sénéchaussée de Carcassonne et Béziers issue des territoires de Trencavel, mais avec des aménagements à même de se concilier le droit écrit, et ce alors même que les conditions de son application et elle avec disparaissaient en Toulousain, Agenais, Quercy et Rouergue.[73]

Malgré la tentative de Simon, il apparaît que la coutume de Paris fut en Languedoc le droit des Français installés dans le pays.[74] Après 1229, le maintien de la coutume de Paris concerne les familles françaises implantées dans les terres de conquête devenues sénéchaussée royale de Carcassonne et Béziers, qui conservent leurs fiefs exclus de la restitution et demeurent pour longtemps endogames.

En conséquence, cet article 46, s'il demeure dans l'intention celui d'une colonisation par l'implantation de lignages étrangers, l'accomplissement de sa visée sera empêché par l'insurrection du pays et son

73. Timbal, *Conflit d'annexion*, 33. Voir aussi Auguste-Arthur Beugnot, *Les olim ou registre d'arrêts rendus par la cour du roi sous les règnes de saint Louis, de Philippe le Hardi, de Philippe le Bel, de Louis le Hutin et de Philippe le Long*, t. 3, 2e partie (Paris: Imprimerie royale, 1848), 1506-8.

74. Timbal, *Conflit d'annexion*, 175.

instabilité politique dans les années qui suivront la rédaction des Statuts de Pamiers.

La Magna Carta (1215) et ses dispositions sur les femmes, un écho des statuts de Pamiers (1212)?

Les Statuts de Pamiers et la Magna Carta ont en commun une continuité d'esprit s'appuyant notamment sur le pivot que constitue le comte Simon IV de Montfort (senior).[75] La parenté entre les deux textes, liée aux personnes, aux contextes politiques et à l'inspiration qui les animent a été plusieurs fois remarquée par les spécialistes du texte anglais, notamment, James C. Holt, David Carpenter et Nicholas Vincent. Nous nous arrêterons ici un instant sur ce point, examinant ce qu'il en est pour la question des femmes.

Une continuité entre l'histoire des deux textes: Simon de Montfort, son entourage, et Walter, frère d'Etienne Langton

a. Simon de Montfort élu roi par la conjuration contre Jean sans Terre en 1212

Dans leur introduction à la troisième édition de l'ouvrage de James C. Holt, George Garnett et John Hudson, rappellent que les *Annales* de Dunstable mentionne une rumeur selon laquelle les conjurés contre Jean sans Terre avaient élu en 1210 Simon IV de Montfort comme roi d'Angleterre.[76] La date semble devoir être corrigée en 1212, et il n'est pas certain que Simon lui-même fut informé de cela, même si l'on se demande comment il aurait pu l'ignorer à terme, ni d'ailleurs comment il aurait pu être élu (comme pour la vicomté de Carcassonne) sans que quelques partisans fassent campagne en sa faveur.[77] Pourtant, réelle ou non, la rumeur signale bien les liens de Simon de Montfort (et son de

75. Par ailleurs, ces textes trouvent leur place dans un contexte européen d'établissements de chartes ayant trait au règlement des relations entre le seigneur totipotent et ses sujets. Voir Carpenter, *Magna Carta*, 273.

76. James C. Holt, *Magna Carta,* rev. George Garnett and John Hudson 3rd ed. (Cambridge: Cambridge University Press, 2015), 8-9; voir aussi 202. *Dunstable*, 33.

77. C'est aussi l'avis de Carpenter, *Magna Carta*, 273-78.

premier plan) entre l'Angleterre et son expédition en terres albigeoises, donnant au relativement modeste seigneur parisien, héros de la croisade outre-mer et avide de conquêtes que l'on a coutume de voir en lui, une toute autre tournure. Ce champion du Christ en Terre sainte et contre les hérétiques en Languedoc devenant, dans les esprits des conspirateurs anglais, le proto-grand seigneur, de vastes territoires s'étendant jusqu'à la méditerranée. Par la suite, les barons anglais alliés à Philippe Auguste, lui préfèreraient, si l'éventualité se présentait, Louis, fils du roi de France.[78]

Dès lors, ces connections très fortes entre les affaires anglaises et albigeoises contemporaines, expliquent les liens entre l'esprit de la rédaction des Statuts de Pamiers et, trois ans plus tard, de la Magna Carta.

b. Simon, comte de Leicester, chef de la Croisade albigeoise, et en conflit avec Jean sans Terre

Simon, seigneur de Montfort l'Amaury, près de Paris, est chef de la croisade qui conquiert le pays Albigeois (Béziers et Carcassonne), dépossède le vicomte Trencavel (qui meurt opportunément), et instaure les Statuts établis à Pamiers afin de réglementer les usages sous son gouvernement et de pacifier le pays. Il se trouve aussi être comte de Leicester en Angleterre. Il est, pour ce comté, en conflit ouvert avec Jean sans Terre.[79] Celui-ci d'ailleurs, ne soutiendra pas, dans les premières années, la croisade contre les albigeois.[80] Raimond VI s'était allié avec le roi Pierre II d'Aragon, son beau-frère (et beau-frère de son fils, le futur Raimond VII), formant une coalition méridionale contre la croisade menée par Simon de Montfort. Le roi anglais Jean était par ailleurs l'allié naturel du comte Raimond VI, puisque ce dernier avait épousé une de ses sœurs, Jeanne, fille d'Henri II—grâce à l'entremise de Richard Cœur de Lion—laquelle était d'ailleurs la mère de l'héritier du comté.[81] Carpenter

78. Carpenter, 275, 277, 398-400.

79. *Dunstable*, 33. Claire Taylor, "Pope Innocent III, John of England and the Albigensian Crusade (1209-1216)," in *Pope Innocent III and his World*, éd. John C. Moore (Aldershot: Ashgate, 1999), 205-28, 216-17.

80. Taylor, "Pope Innocent III." Voir aussi Nicholas Vincent, "England and the Albigensian Crusade," in *England and Europe in the Reign of Henry III (1216-72)*, ed. Björn K. U. Weiler and Ifor W. Rowlands (Aldershot: Ashgate, 2002), 67-97.

81. Macé, *Les Comtes*, 60-61; Carpenter, *Magna Carta*, 284-86.

rappelle un épisode trop souvent ignoré: Jean convoqua une armée en 1213 pour se porter, comme le fera Pierre II d'Aragon, au secours des Raimondins. La perspective de cette campagne continentale fut refusée par les barons anglais, particulièrement ceux du Nord—rappelons que les rebelles anglais étaient alliés du roi de France, qu'ils avaient élus Simon comme roi à venir et avaient des alliés sur le champ de bataille du côté des croisés. Autant dire qu'ils n'avaient aucune intention de contrarier les succès de la croisade en Languedoc. Ils arguèrent que cette campagne continentale, débutant en Poitou, n'auraient su concerner des barons qui ne devaient leur service qu'en Normandie et Grande-Bretagne, ce que l'Unknown Charter semblait leur garantir. Carpenter de conclure: "As a measure of his determination, John embarked anyway and got as far as Jersey, before accepting that he lacked the requisite forces to continue. Once back in England, John in late August set off for the north in order to punish those who had disrupted his plans. This was the moment for a decisive intervention by Archibishop Langton."[82] Le rôle des barons du Nord, alliés de Simon et du roi de France, ainsi que d'Etienne de Langton nous semble ici essentiel. Lorsqu'en 1214, Jean prend enfin la mer pour défendre les Raimondins et battre Philippe Auguste en divisant ses troupes au Nord et au Sud, sa position s'est encore affaiblie, d'autant plus que Pierre II a été tué à Muret en septembre 1213, donnant lieu à une véritable débâcle—Raymond VI avait alors fuit avait son fils héritier en Angleterre dont il rentre en janvier 1214.[83] La défaite anglaise à Bouvines, et l'alliance Rome-France représentée par en Angleterre par les barons coalisés, Etienne Langton et Simon de Montfort, eurent raison du Midi Raimondin, plus encore certainement que la défaite de Muret.

Jean est d'ailleurs présenté comme probable secours militaire du comte de Toulouse par la *Chanson de la Croisade albigeoise*, et l'archevêque d'York comme l'abbé Hugues de Beaulieu (ou Bewley) se font sa voix, et prennent la défense du jeune comte Raimond VII, contre les déprédations de Simon lors du Concile de Latran IV en 1215.[84]

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82. Carpenter, *Magna Carta*, 284.

83. *Raduphi de Coggeshall Chronicon Anglicanum*, ed. J. Stevenson (London: Rolls Series, 1875), 168, cité par Carpenter, *Magna Carta*, 286. Voir aussi Macé, *Les comtes*, 68.

84. Simon de Montfort se souciait certainement de l'attitude de Jean sans Terre

Simon de Montfort se trouve entouré lors de la croisade contre les Albigeois, de barons anglais bannis, de barons normands, et de français (entres autres, et pour ceux qui nous intéressent ici), inféodés à Philippe Auguste ou à Jean sans Terre et rebelles à son autorité.[85] Tous se rallient à lui pour cette cause croisée, et il fait figure d'homme de synthèse, ce qui contribue à expliquer certainement aussi son élection comme possible roi.

Parmi, les barons rebelles à Jean sans Terre et qui jouèrent un rôle dans l'élection de Simon à la place de roi, au cas où Jean serait déposé se trouve Hugues de Lacy. Rebelle contre le roi anglais il fut banni par lui de ses terres Angleterre et d'Irlande en 1210.[86] La *Chanson de la Croisade albigeoise* en parle comme un des proches de Simon de Montfort, du rang de ses compagnons pendant la croisade. Il est, avec Gautier Langton (frère de l'archevêque), l'un des rares à critiquer Simon lors des conseils de guerre tenus dans le camp croisé.[87] De même, l'exil français, dans l'entourage du roi Philippe Auguste, de Robert fitz Walter, souligne les liens entre le règlement (y compris juridique) du conflit albigeois et les événements anglais.[88]

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dans l'affaire albigeoise et du secours qu'il porterait à ses parents: en effet, l'auteur de la seconde partie du poème le fait mentir (*CCA*, laisse 186, v. 36-50) et déclarer que son frère Guy lui annonce par messager que le roi d'Angleterre veut conclure un accord avec lui, accroissant sa terre s'il le laisse en paix. L'anonyme auteur de la suite du poème, farouchement opposé à Simon, se fait ici l'écho par le biais du démenti du comte à ses troupes qu'il trompe, d'une rumeur qui devait circuler sur le secours du roi anglais après les démarches et le voyage jusqu'en Angleterre des Raimondins fin 1213-début 1214. Simon devait donc bien craindre la réaction de Jean sans Terre, et les Méridionaux avoir besoin de l'affirmation de ce secours pour se remonter le moral après la mort de Pierre II et la chute de Toulouse. Macé, *Les comtes*, 208, mentionne le secours avorté de Jean sans Terre. Voir aussi des Vaux de Cernay, *Historia*, 18, § 38; *CCA*, laisse 150, v. 5-20; 27-32. Il est d'ailleurs essentiel de noter que c'est l'archevêque d'York qui invoque la réserve du douaire maternel pour Raimondet, et que c'est à l'abbé anglais de Bewley que le Pape avoue son impuissance face aux manigances de la Curie.

85. On verra la laisse 36 de la *CCA*.

86. Carpenter, *Magna Carta*, 242, 269, 303. Daniel Power, "Who Went on the Albigensian Crusade?" *English Historical Review* 128, no. 534 (2013), 1047-85, 1069, doi: 10.1093/ehr/cet252.

87. *CCA*, laisse 169, v. 4-31.

88. Holt, *Magna Carta*, 9; James C. Holt, *The Northerners: A Study in the Reign of*

Simon de Montfort a aussi, dans son entourage, pendant la croisade en Albigeois Gautier Langton (Walter Langton), frère de l'archevêque de Cantorbéry, Etienne Langton.[89] Participant à la croisade (et prisonnier du comte de Foix de 1211 à sa libération par échange de prisonniers), il adresse à l'occasion des reproches à Simon de Montfort pour sa conduite, participant ainsi, le texte en témoigne aux conseils que Simon tient avec ses proches conseillers.[90] Son influence sur Simon de Montfort, la proximité qu'il entretient avec le chef de la croisade, et ses liens familiaux avec son frère archevêque notamment, rendent sa présence en Albigeoise tout à fait intéressante et, comme dans le cas d'Hugues de Lacy, parlent d'elles-mêmes des liens liant les deux affaires. Simon de Montfort ne pouvait à ce titre qu'être tenus informé des progrès de la conjuration anglaise, tout comme les acteurs de celle-ci l'étaient de ses avancées en pays albigeois et de l'élaboration des Statuts de Pamiers.[91]

c. Etienne Langton et la Magna Carta

Le prélat anglais, personnage clef de l'établissement de la Magna Carta de 1215, a vécu et enseigné à Paris pendant trente ans.[92] Il avait eu, on le sait, de sérieuses difficultés à être reconnu dans sa charge par le roi Jean sans Terre qui refusait son élection obtenue des moines de Cantorbéry sur les pressions du Pape Innocent III. Etienne Langton fut un soutien aux barons dans le processus de rédaction de la charte, dont il est le premier témoin. Il avait d'ailleurs refusé d'excommunier nommément les

King John (Oxford: Clarendon Press, 1961), 88; Carpenter, *Magna Carta*, 275-96.

89. Garnett et Hudson in Holt, *Magna Carta*, 8n42; 20-21, n.115 rappellent que loin de se focaliser sur l'extraordinaire influence du seul archevêque de Cantorbéry sur la rédaction de la Grande charte, il convient de ne pas sous-estimer l'influence la fratrie Langton, Walter, Stephen, et Simon (putatif chancelier de Cantorbéry). Sur la présence de ce personnage en Albigeois, outre le témoignage de la *CCA* déjà cité, voir *HGL*, 8:579, et des Vaux-de-Cernay, *Hystoria*, chap. 55, §248-50.

90. *CCA*, laisse 197, v. 127-37. Il serait *Gauter de la Betona*, pour l'auteur anonyme.

91. Si les deux frères n'ont pas forcément cause commune, il est très clair que la famille de l'archevêque penchait pour les catholiques conjurés et, pour certains, croisés en Languedoc, plutôt que pour les affaires et les intérêts du roi anglais et de ses alliés toulousains.

92. On verra les pages concernées dans Carpenter, Vincent, Holt, en se reportant aux index respectifs de ces ouvrages.

barons condamnés par le pape pour avoir extorqué la Magna Carta à leur roi, il fut suspendu pour cela.[93] L'archevêque fut aussi celui qui conserva dans ses archives à Lambeth Palace les Articles des Barons négociés à Runnymede, et scellés du sceau du roi: un document arraché à ce dernier au début de l'année 1215 après leur prise de Londres, et préliminaire à ce qui deviendrait, réécrit, la Magna Carta le 15 juin 1215.

Les spécialistes considèrent que la Charte relative à l'établissement du règne d'Henri Ier d'Angleterre en 1100 et les Statuts de Pamiers élaborés sous l'autorité de Simon de Montfort furent les deux grands modèles pour l'établissement de la première version de la Magna Carta.[94] Cette Charte d'Henri Ier, comme la Magna Carta, contraignait le roi d'Angleterre à une série d'obligations vis-à-vis de ses vassaux, limitant ainsi ses droits au prélèvement de taxes, l'obligeant à respecter les libertés de l'Église et de ses propres vassaux, et de rétablir des usages juridiques passés alors considérés comme justes. À la différence des Statuts de Pamiers, ces deux textes furent imposés au roi par leurs puissants vassaux, et non imposés par un conquérant au peuple soumis comme ce fut le cas en Albigeois par Simon. Néanmoins, dans ces trois circonstances il s'agit pour le texte d'établir des dispositions juridiques qui s'imposent à tous les administrés (et surtout les nobles) pour réglementer de manière nouvelle l'ordonnancement du pays.

La Magna Carta a sa source dans le mécontentement des barons anglais lié aux taxations (et notamment l'écuage) et aux défaites du roi Jean sans Terre face aux Français notamment à Bouvines, comme à l'assassinat de son parent Arthur, son rival pour le trône. Les barons exaspérés réclamèrent en l'absence de Jean, une réforme de la royauté et du mode de gouvernement, souhaitant pouvoir exercer un contrôle sur la personne du roi et ses décisions impliquant le royaume et le devenir des territoires. Etienne Langton, dans son souci de protéger les privilèges de l'Église soutint les barons, et semble être celui qui proposa de s'inspirer du précédent que constituait la charte d'Henri Ier pour la négociation

93. On verra notamment Carpenter, *Magna Carta*, 347-52.Voir Holt, *Magna Carta*, 30-313. Carpenter, *Magna Carta*, 397-98.

94. Elle influença aussi bien sûr la rédaction des Articles des Barons; voir Carpenter, *Magna Carta*, 311-13.

de l'accord. Jean sans Terre dénoncera l'accord trouvé en 1215, dès que les armées rebelles eurent quitté Londres. Il cherchera l'appui du Pape qui le soutiendra, craignant lui-même une possible et future remise en question des droits de l'Église par ces remuants barons.

Le soutien que lui apporta le Pape dans son refus de tenir parole, plongea l'Angleterre dans la Première guerre des barons (1215-1217). Les barons rebelles trouveront un allié auprès du Prince de France, Louis (futur Louis VIII), fils du roi Philippe II. Louis se battra un temps auprès des barons anglais dans l'espoir de se placer sur le trône d'Angleterre. Pourtant lorsque Jean sans Terre meurt le 18 octobre 1216, les barons anglais prêtent allégeance à son fils de neuf ans Henri (devenu Henri III) qui fera de la Magna Carta un des piliers de son règne pour s'assurer la loyauté de ses vassaux. Le texte subit plusieurs modifications avec abrogations des articles les plus contraignants pour le roi, notamment le 61ème. Louis continuera à s'opposer aux Anglais réconciliés jusqu'en septembre 1217 où il renoncera à ses prétentions sur le trône anglais après de dures défaites.

Holt souligne la difficulté de mesurer exactement l'influence ecclésiastique sur la rédaction de chartes telles que la magna carta, ou les statuts de pamiers parmi d'autres contemporaines.[95] En effet, de nombreux représentants de l'institution ecclésiale furent investis dans le processus de rédaction de celles-ci, et de fait, le corps du texte, comme dans le cas des statuts, porte sur la protection des privilèges de l'église.

d. Les Statuts de Pamiers comme précédents à la Magna Carta

Selon Nicholas Vincent les Statuts de Pamiers sont, parmi les documents du Sud de l'Europe, le seul précédent à la Magna Carta de 1215 par leur ampleur constitutionnelle.[96] Il considère en effet, avec Holt et Carpenter que parmi les documents de nature comparable en Europe, émergeant en Espagne ou dans le sud de la France, "precisely those parts . . . where King John had been diplomatically most active in the years before 1215"[97] aucun, à part les Statuts de Pamiers, ne peut réellement

95. Holt, *Magna Carta*, 245-46.

96. Nicholas Vincent, *Magna Carta. A Very Short Introduction* (Oxford: Oxford University Press, 2012), 62.

97. Vincent, 62.

servir de précédent à la Grande Charte, bien qu'appartenant à l'évidence à une même dynamique de circonscription des pouvoirs royaux et du seigneur principal en ce début de XIII[e] siècle.

Comme Simon de Montfort avait juré en 1212 de respecter et de faire appliquer les dispositions des Statuts de Pamiers, Jean sans Terre dut à son tour jurer au sujet de la Magna Carta en 1215.[98] La grande différence réside dans le fait que Simon est à l'initiative de la rédaction de la charte de coutumes que l'on désigne comme Statuts de Pamiers: les rédacteurs sont choisis par lui-même et son entourage; alors que Jean sans Terre, en position de faiblesse face aux barons rebelles, se voit contraint de signer une charte qu'il dénoncera.

e. Postérité

Si le texte de Pamiers influa et par son existence même, connue très certainement lors des négociations de Runnymede par l'intermédiaire de ce personnage central de l'histoire contemporaine que fut l'archevêque de Cantorbéry, un autre Montfort s'illustrera dans la suite de l'histoire de cette Magna Carta anglaise. En effet, le fils de Simon IV, chef de la croisade albigeoise, Simon V de Montfort (ca. 1208-1265), sera le meneur et héros de la Seconde guerre des barons (1263-1264), menée contre le roi Henri III et son fils Édouard là encore en raison de taxations exagérées. Simon V, né en France, passera contrairement à son frère Amaury la plus grande partie de sa vie dans les territoires anglais. Il avait, en janvier 1238, épousé secrètement Aliénor d'Angleterre, fille de Jean sans Terre et donc sœur du roi Henri III et pris la tête de la rébellion contre le pouvoir royal, espérant régner à son tour. Capturant le fils du roi, Edouard à Lewes, mais incapable de s'assurer le plein soutien des barons, il s'investit *de facto* du pouvoir royal agissant au nom de la personne du roi et sera à l'origine d'un *Parliament* moderne de janvier à mars 1265. Cet organe populaire de gouvernement était destiné à susciter un large soutien son autorité. Il réunissait des chevaliers, prélats, barons et pour la première fois des bourgeois. Simon fut néanmoins tué la même année par des partisans du roi. Le *Parliament* de Simon V de Montfort fut regardé comme l'aboutissement des progrès de la représentativité

98. Holt, *Magna Carta*, 92

populaire (celle des puissants, incluant les bourgeois) dans l'Angleterre du XIII[e] siècle. Simon V associa définitivement le nom de Montfort aux grandes œuvres d'administration juridique et territoriale de ce siècle, lui dont le père fut, au moins par les propres dispositions qu'il prit en Languedoc, un inspirateur.[99]

Une réglementation de nature comparable et des femmes de même statut personnel

La Magna Carta de 1215 fut un document de nature comparable aux Statuts de Pamiers, par ses dispositions, et le lien qu'elle établit entre le seigneur et ses sujets. Le texte anglais, ultérieurement divisé en articles, en comportent un certain nombre relatifs aux femmes. Les voici dans l'édition du texte de 1215 qu'en donne David Carpenter:

> 7 Vidua post mortem mariti sui statim et sine difficultate habeat maritagium et hereditatem suam, nec aliquid det pro dote sua, vel pro maritagio suo, vel hereditate sua quam hereditatem maritus suus et ipsa tenuerint die obitus ipsius mariti, et maneat in domo mariti sui per quadraginta dies post mortem ipsius, infra quos assignetur ei dos sua.[100]

> 8 Nulla vidua distringatur ad se maritandum dum voluerit vivere sine marito, ita tamen quod securitatem faciat quod se non maritabit sine assensu nostro, si de nobis tenuerit, vel sine assensu domini sui de quo tenuerit, si de alio tenuerit.[101]

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99. Voir Carpenter, *Magna Carta*, 430-60.

100. Carpenter, *Magna Carta*, 40-41: "7. A widow, after the death of her husband, immediately and without difficulty, is to have her marriage portion and inheritance, nor shall she give anything for her dower, or for her marriage portion, or her inheritance, which inheritance she and her husband held on the day of the death of that husband. And she is to remain in the house of her husband for forty days after his death, within which time her dower is to be assigned her."

101. Carpenter, 40-41: "8. No widow is to be distrained to marry while she wishes to live without a husband, provided however that she gives security that she will not marry without our assent, if she holds from us, or without the assent of her lord from whom she holds, if she holds from another."

54 Nullus capiatur nec inprisonetur propter appellum femine de morte alterius quam viri sui.[102]

11 Et si quis moriatur, et debitum debeat judeis, uxor eius habeat dotem suam, et nichil reddat de debito illo; et si liberi ipsius defuncti qui fuerint infra etatem remanserint, provideantur eis necessaria secundum tenementum quod fuerit defuncti, et de residuo solvatur debitum, salvo servitio dominorum. Simili modo fiat de debitis que debentur aliis quam Judeis.[103]

26 Si aliquis tenens de nobis laicum feodum moriatur, et vicecomes vel Ballivus noster ostendat litteras nostras patentes de summonitione nostra de debito quod defunctus nobis debuit, liceat vicecomiti vel Ballivo nostro attachiare et inbreviare catalla defuncti inventa in laico feodo ad valentiam illius debiti, per visum legalium hominum, ita tamen quod nichil inde amoveatur, donec persolvatur nobis debitum quod clarum fuit; et residuum relinquatur executoribus ad faciendum testamentum defuncti ; et si nichil nobis de beatur ab ipso, omnia catalla cedant defuncto, salvis uxori ipsius et pueris rationabilibus partibus suis.[104]

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102. Carpenter, *Magna Carta*, 58-59: "54. No one is to be arrested or imprisoned through the appeal of a woman for the death of anyone other than her husband."

103. Carpenter, 42-43: "11. And if anyone dies, and owes a debt to the Jews, his wife is to have her dower, and is to pay nothing of that debt; and if children of the deceased, who are underage, remain, their needs are to be provided for in keeping with the tenement which was the deceased's, and the debts are to be paid from the residue, saving the service of the lords. In a similar way, it is to be for debts owed to others than Jews."

104. Carpenter, 48-49: "26. If anyone holding a lay fee from us dies, and our sheriff or bailiff shows our letters patent for our summons of a debt which the deceased owed us, it is to be permissible for our sheriff or bailiff to attach and write down the chattels of the deceased found in the lay fee, to the value of that debt, by view of law-worthy men, provided however that nothing is removed from there until the debt which was clear is paid to us. And the residue is to be left to the executors to make the will of the deceased; and if nothing is owed us by him, all the chattels are to pass to the deceased, saving for his wife and children their reasonable shares."

On remarque, que ces articles sont de nature comparable à ceux de Pamiers: ils disposent sur les femmes riches et possessionnées; pourtant il ne s'agit là que des veuves. Ils réglementent leur remariage, ne les contraignant pas à celui-ci (à l'inverse, de ce qu'il en est de la jeune fille qui ne souhaite pas entrer en religion, et dont on ne dit ici mot). On remarque là aussi le nécessaire consentement de leur seigneur, dans le cas où elles-mêmes consentiraient à se remarier. L'essentiel pour nous ici est qu'on ne dit mot de la nature de ce futur époux.

De même, ces dispositions sur les femmes visent à établir leurs droits dans le cas du décès de leur époux, et donc leur droit à hériter.[105] Elles sont en quelque sorte protégées: leurs biens leurs sont rendus, elles bénéficient d'une part d'héritage, et resteront logées chez feu leur mari jusqu'à ce que leur héritage leur soit concédé; celui-ci devant l'être sous quarante jours. On remarque néanmoins, que la parole d'une femme en justice vaut moins que celle d'un homme, puisqu'on limite singulièrement leur possibilité d'être la seule parole engagée pour la capture et l'emprisonnement d'un homme lors de la mort d'autrui, sauf de leur mari.[106] Néanmoins, la comparaison entre ces deux textes, la Magna Carta s'appuyant certainement en partie sur l'expérience Languedocienne de Simon IV, comporte de vraies limites quant aux points communs de ces deux textes.[107]

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105. C'est ainsi que les spécialistes de la Magna Carta jugent ces articles. Voir Carpenter, *Magna Carta*, 101. Celui-ci remarque aussi le très faible nombre d'occurrences de mots désignant exclusivement les femmes dans ce texte, de même qu'aucune n'y est nommée. On pourrait faire les mêmes remarques pour les Statuts de Pamiers.

106. On verra Carpenter, *Magna Carta*, 101-7, 450-53.

107. S'il est vrai que les affaires féminines ne sont pas le cœur de ces deux chartes de libertés, Statuts de Pamiers et Magna Carta, il n'empêche qu'elles jouent un rôle essentiel dans la dévolution des héritages et la circulation des fiefs et des richesses, à même de cristalliser bon nombre de tension et d'amener Simon comme les barons anglais face à leur roi à exiger des clarifications du Droit. Rappelons que, cette importance dans les Statuts est notamment dite par la position des articles concernés dans le texte et, que dans la Magna Carta, le fait même que ces dispositions figurent dans un texte arraché au roi signale cette importance pour les rédacteurs et souscripteurs.

Les limites d'une telle comparaison: les différences de traitement des femmes anglaises et languedociennes

La principale limite à cette comparaison réside, selon nous, dans la différence d'esprit qui préside à la rédaction de ces deux textes, et par là, la différence de traitement des femmes anglaises et languedociennes.

En effet, le premier texte émane d'un conquérant, Simon de Montfort, et est imposé en bonne et due forme comme principe de gouvernement au pays conquis et particulièrement à ses nobles.[108] Alors que le texte anglais trouve sa source dans la volonté de barons anglais en position de force—ils contrôlaient alors Londres—qui arrachent une réforme du Droit, et un contrôle de ses pouvoirs, à un roi acculé à apposer son sceau sur un document qu'il s'empressera de récuser. La Magna Carta ne dispose pas explicitement sur les femmes en âge de se marier autre que les veuves, et surtout ne pose aucune contrainte ethnique, si on peut le dire ainsi, portant sur l'origine et l'appartenance des futurs maris. Et de fait, c'est là l'illustration de la différence fondamentale entre ces textes. Les Statuts de Pamiers sont un texte de conquérant établissant la colonisation par le ventre et donc la suppression lignagère afin d'implanter durablement les Français de Simon, en leur mêlant le sang des lignages méridionaux, là où la Magna Carta est un texte d'affranchissement partiel des barons anglais et de régulation des pouvoirs de leur suzerain. On n'y trouve pas trace donc de ce qui, à Pamiers, constitua l'outil législatif pour la création des États de Simon de Montfort, qui rappelons-le établissait ainsi une principauté censière du Saint-Siège.

David Carpenter souligne que, comme la Magna Carta, les Statuts débutent par la protection des droits et libertés de l'église, la justice libre,

108. À ce titre, la convocation d'hommes du pays à l'assemblée de Pamiers, ceux-ci acquis à la cause du comte de Montfort et de toute manière pas en position de s'opposer à lui en ces lieux, ne laisse pas de doute quant à l'imposition du contenu des Statuts. Au demeurant, qui pourrait penser que des Languedociens auraient convoquée la Coutume de Paris comme source du Droit qui s'imposerait au pays conquis?

l'obligation du service militaire, les garanties contre l'emprisonnement.[109] Par contre, il signale aussi que les Statuts "allowed French widows, magnates and heiresses to marry among themselves without permission" (273). Ce qui a priori est vrai mais se déduit en creux des dispositions du texte qui visent essentiellement les femmes indigènes (et donc pas Françaises): celles qui possèdent des richesses peuvent épouser librement des Français (c'est tout le but de cette politique), et seulement avec l'autorisation du comte, des indigènes. Ainsi, malgré ce que pourrait laisser croire la phrase de Carpenter, la liberté dont il parle est très relativeet se révèle être une véritable contrainte, qui dépasse la femme en tant que telle et s'impose à tout le lignage qui se transmet par son ventre.[110]

La Magna Carta est donc un texte comparable à bien des égards aux Statuts de Pamiers qui constituent pour elle un précédent notable. Ces deux textes dont les dispositions touchent en partie aux femmes, aux conditions de leur mariage ou remariage et de leurs héritages, sont pourtant bien distinct par l'esprit qui les anime et de fait, la volonté qui les fit éclore.

L'article quarante-six des Statuts de Pamiers

Le texte

Nous donnons ci-dessous le texte de l'article 46 des statuts de Pamiers, selon l'usage courant l'esperluette est résolue par *et*.[111]

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109. Carpenter, *Magna Carta*, 273.

110. Les Françaises possessionnées dans le pays et devenues veuves épousent librement des Français; mais elles ne sont pas légion dans le pays (et leurs jeunes filles pas encore en âge de se marier). Alors que les Méridionales pouvant épouser des Français et devant demander l'autorisation du comte pour épouser un Méridional (allié de Simon de Montfort, ça va de soi) sont, elles, le véritable enjeu du texte. Qui irait penser que les femmes françaises se choisiraient un Méridional haït du comte Simon? La régulation de leurs mariages n'est évidemment pas à l'origine de ces articles.

111. Nous donnons le texte par collation de Timbal, *Conflit d'annexion*, 183 et *HGL*, 8:634.

XLVI. Item nulle vidue, magnates aut heredes mulieres nobiles habentes munitiones et castra, audeant nubere usque ad Xcem annos sine licencia comitis pro voluntate sua indigenis istius terre propter periculum terre, set Francigenis quibus voluerint poterint nubere, non requisita licencia comitis vel alterius. Set termino elapso poterunt nubere communiter.

Bien que les travaux d'historiens comme les études juridiques du texte aient proposé diverses traductions, de la totalité du texte des statuts ou d'extraits seulement, il a semblé utile de donner ici une traduction nouvelle. Consciente de ces devancières, elle a pour finalité le seul sens du texte.[112]

XLVI. De même, nulles veuves, femmes nobles grandes vassales ou héritières possédant remparts et forteresses, ne sauraient oser selon leur volonté se marier à des indigènes de cette terre jusqu'à dans dix ans sans la permission du comte, par crainte de péril pour cette terre. Mais avec les Français avec lesquels elles le voudraient, elles pourront se marier sans la permission nécessaire du comte ou d'un autre. Dans tous les cas, ce délai accompli elles pourront se marier avec tous.

L'analyse

Nous proposons ci-après une analyse du texte par segments.

Item nulle vidue . . .

"Item nulle vidue, magnates aut heredes mulieres nobiles habentes munitiones et castra, audeant nubere usque ad Xcem annos sine licencia comitis pro voluntate sua indigenis istius terre propter periculum terre,"

112. Nous appuyons cette traduction essentiellement sur Jan Frederik Niermeyer, et al., *Mediae latinitatis lexicon minus* (Leiden: Brill, 1993 [1976]); Charles du Fresne Du Cange, et al., *Glossarium mediæ et infimæ latinitatis* (Niort, 1883-87); numérisé par l'École des chartes http://ducange.enc.sorbonne.fr; Félix Gaffiot, *Le grand Gaffiot: Dictionnaire latin-français*, 3e éd. rev. et aug. (Paris : Hachette, 2008).

De même, nulles veuves, femmes nobles grandes vassales ou héritières possédant remparts et forteresses, ne sauraient oser selon leur volonté se marier à des indigènes de cette terre jusqu'à dans dix ans sans la permission du comte, par crainte de péril pour cette terre.

Ce premier segment donne le ton. Les femmes sont le sujet de cet article. Il les concerne toutes (*nulle*) mais pas n'importe lesquelles: les nobles (veuves ou jeunes filles), susceptibles de se marier et en possession de bien propres et à valeur politique, économique et de toute évidence guerrière. Ce sont ainsi les *vidue*, *magnates aut heredes mulieres*, *nobiles*, et *habentes munitiones et castra*. Ces premiers mots posent question. En effet, tous les auteurs lus ont une interprétation relativement personnelle du sens de ces mots, et il semble aussi de la segmentation grammaticale de la phrase.[113] Pourtant, on trouve deux consensus: cela vise les femmes à marier, et pas seulement les veuves (et donc pas que celles rendus veuves par la croisade notamment), et, ces femmes à marier doivent être nobles et peuvent être au choix puissantes ou héritières ou veuves.[114]

113. Gregory Lippiatt, "Simon V of Montfort," 250 (entre autres) comprend "noblewomen and the widows and heiresses of magnates"; ce qui, en plus du problème grammatical, pose une vraie question quant au statut de ces femmes: elles sont nobles héritières ou elles-mêmes puissants vassaux (ou puissantes vassales), et non (c'est très net ici) les héritières de puissants vassaux.

114. Le texte ne mentionne pas le délai de viduité. On sait par exemple que les Coutumes de Beauvaisis considèrent comme bâtard un enfant né après 39 semaines et un jour de fin du mariage "car feme ne pot porter son enfant plus de trente et nuef semaines et un jor." Voir Philippe de Beaumanoir, *Les coutumes du Beauvoisis*, éd. Auguste-Arthur Beugnot, t. 1 (Paris, 1842), 280, chap. 18, § 5. Nous remercions Charlotte Pirot de nous avoir renseignée sur ces coutumes. On pourrait en inférer un délai de viduité de la même durée dans l'intérêt du futur nouvel époux, que ces coutumes ne mentionnent pas en tant que tel. Néanmoins, cette crainte du bâtard est à pondérer par la nécessité pour certaines femmes de se remarier avant ces trente-neuf semaines écoulées si elles se trouvaient alors enceinte d'un nouveau partenaire. À Pamiers, il est possible qu'une durée analogue puisse être réservée dans la pratique—mais non mentionnée par les Statuts—pour la préservation des lignages, et de l'héritage de l'enfant à naître et de sa famille paternelle. On pourrait néanmoins faire l'hypothèse d'un délai de viduité non mentionné car peu respecté : les enfants à naître (et donc des héritiers de leur mère !) appartenant au lignage du défunt méridional viendraient alors de fait s'attacher à une famille française ou affidée à Simon ce qui, si l'on néglige la crainte du bâtard, pouvait représenter bien des avantages. Avec les

Sur *magnates* il semble qu'il faille dire quelques mots.[115] En effet il est particulièrement intéressant de noter que ces femmes sont elles-mêmes de puissants vassaux, et sont ici affranchies de la notion d'héritières pour devenir dans leur représentation jurirdique pleins possesseurs de leurs droits.[116] On peut voir là un autre effet de l'affirmation de l'autonomie de ces femmes dans les Statuts de Pamiers, justifié par l'intérêt qu'y trouve le nouveau possesseur de la terre pour ces mariages, les détachant de la tutelle masculine languedocienne supposée prendre les armes contre les croisés nouveaux dirigeants du pays.

Heredes ne nous semble pas pourvoir être élargit sémantiquement au français *possessionnées* qui l'appliquerait aussi à la bourgeoisie, le cadre sémantique étant bien circonscrit par l'adjectif *nobiles*; cela n'aurait d'ailleurs guère de sens dans le contexte de ces Statuts. L'intérêt de Simon pour les possessions de la bourgeoisie des villes languedociennes, dont Aurell notamment a montré son rattachement à la chevalerie des villes semble ici stratégiquement hors de propos. Ce n'est pas elle qui détient les "munitiones et castra" qui suscite l'intérêt du comte; pas tant

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Statuts, le droit successoral parisien se substitue aux usages languedociens pour tous "inter barons et milites quam inter burgenses et rurales" (art. 43, et 1 bis), et la dot de la femme intestat ira à ses héritiers tout en ayant la possibilité d'en disposer par testament. Il n'est néanmoins pas dénué de sens de rappeler le délai donné par Beaumanoir comme un éventuel usage valable aussi en Languedoc, dans la mesure où sur un autre point (la correction infligée par un mari à sa femme) les coutumes de Beauvaisis § 1631 et la pratique languedocienne concordent. Voir Carbasse, "La condition," 112n31.

115. On verra les notices correspondantes de Du Cange, *Glossarium*, t. 5, col. 175c. http://ducange.enc.sorbonne.fr/MAGNATI <magnati>;

Niermeyer, *Mediae latinitatis lexicon*, 626b <magnas>. On pourra aussi voir Gaffiot, *Le grand Gaffiot*, 948b <magnātus>.

116. Outre les travaux portant sur certaines de ces femmes, il peut être intéressant de lire ce qu'en disent les *women and gender studies*. Ainsi pour une réflexion d'ensemble sur la perception/conception des femmes de pouvoir au Moyen Age, voir *The Oxford handbook of Women and Gender in Medieval Europe*, ed. Judith M. Bennett and Ruth Mazo Karras (Oxford: Oxford University Press, 2013), particulièrement Amalie Fößel, "The Political Traditions of Female Rulership in Medieval Europe," 68-70; et Constance H. Berman, "Gender at the Medieval Millenium," 545-60, 548-49.

d'ailleurs pour leur richesse intrinsèque que pour l'exercice d'un pouvoir territorial et les enjeux lignagers qu'ils représentent.

L'objet de cet article des coutumes est énoncé juste après: *audeant nubere*, il s'agit d'une limitation explicite du droit au mariage.

La restriction est de deux ordres: une durée dans le temps, et la dépendance de l'autorité du comte: *usque ad Xcem annos*, *sine licencia comitis*.

Sur ce délai de dix années, s'il ne correspond pas à celui du renouvellement générationnel que la sociologie situe à une trentaine d'années environ, on remarquera par contre qu'il couvre la totalité du délai de mariage d'une tranche d'âge entière de femmes, celles en âge de procréer au moment de la conquête et dans un délai de pacification raisonnable du pays et d'accoutumance de la population à de nouvelles règles de gouvernement.[117] C'est cet aspect pratique qui semble présider au choix de dix années, à la fois marqueur symbolique, et délai suffisant pour une installation et une consolidation des nouveaux lignages.

C'est aussi un délai raisonnable pour s'habituer à un nouveau seigneur et permettre à la prédication de faire son œuvre. Contrôler pendant dix ans le choix d'époux d'une génération de femmes, c'est-à-dire les marier à des individus favorables à la croisade et essentiellement français de l'entourage de Simon de Montfort, c'est être certain que l'héritage de ces femmes tombe dans leur escarcelle. Cela permettra de juguler les alliances des familles d'oc qui pourraient se coaliser au moyen de stratégies matrimoniales; et dans cet intervalle modifier les structures des lignages. Remplacer les vieilles lignées afin que les jeunes à venir, n'aient pas à reconquérir les territoires de leurs pères, comme le crie l'Anonyme de la *Chanson de la Croisade albigeoise* aux fils de *faiditz*, mais au contraire que fils de Français ou de soutiens méridionaux à la croisade (donc traîtres selon la terminologie des résistants), ils souhaitent maintenir les territoires de leurs lignages, nouvellement établis ou pas, et tributaires de l'autorité de Simon de Montfort.

Par ailleurs, les fils de filles nobles du Midi héritent du bon sang de leur mère et, attachés à ce pays par le lignage maternel, ils en deviendront

117. C'est la durée retenue dans le *TLFi*, article "génération." ATILF, *Le Trésor de la Langue Française informatisé*, http://atilf.atilf.fr/tlf.htm.

plus acceptables pour le reste de la population, s'y intégrant comme fruit d'un métissage et non complètement étrangers. L'acculturation et l'extranéité de ces lignées ne pourront donc être retenues et les frères de ces mères, même s'ils étaient résistants à la croisade pourraient avoir à défendre leur sang et leurs possessions aux côtés de ces fils.

On le constate, la stratégie est adroite; prendre femme dans le pays c'est y faire racine, et amener un sang nouveau dans un lignage existant, se jouer de nouvelles alliances. On voit là clairement se déployer une des modalités de la colonie de peuplement par intégration et assimilation forcée de l'envahisseur aux lignages autochtones.

Le texte insiste sur la suprématie de l'autorisation comtale puisque celle-ci s'avère nécessaire, et que l'on ne saurait se marier selon sa propre volonté de femme: *pro voluntate sua*. L'interdiction en tant que telle porte sur le mariage avec un indigène, un noble méridional: *indigenis istius terre*. On comprendra ici l'indigène opposé à la croisade.

La figure du comte législateur et protecteur de la terre se fait jour: de telles dispositions sont prises *propter periculum terre*. Bien sûr le péril pour le seigneur *apostitz*, postiche, est de voir élever des fils qui revendiqueront le statut de leurs pères et peut-être les croyances ou le lignage de leurs mères.[118]

set francigenis . . .

"set Francigenis quibus voluerint poterint nubere, non requisita licencia comitis vel alterius."
Mais avec les Français avec lesquels elles le voudraient, elles pourront se marier sans la permission nécessaire du comte ou d'un autre.

118. *CCA*, laisse 182, v. 85 b. Sur ce mot désignant bien le seigneur faux, postiche, et non l'apostat comme cela pourrait être séduisant dans son contexte, voir Emil Levy, *Provenzalisches Supplement-Wörterbuch: Berichtigungen und Ergänzungen zu Raynouards „Lexique roman,"* 8 Bd. (Leipzig: 1894–1924), 1:73 a; Walther von Wartburg, et al., *Französisches Etymologisches Wörterbuch: Eine darstellung des galloromanischen sprachschatzes*, 25 Bd. (Leipzig: Klopp/Teubner/Zbinden, 1922-2002), 25:48 b.

Les femmes sont bien souvent accusées d'être le ferment de la propagation de l'hérésie dans leur famille. On pourra voir à ce propos le devenir de la famille comtale de Foix à la fin du XII[e] et au début du XIII[e] siècles.

La seconde partie de la phrase, constitue la suite de l'énoncé coordonné qui, après les restrictions et conditions imposées au mariage des femmes autochtones, ouvre de nouvelles perspectives pour elles. On y apprend le cœur de l'affaire et de ses enjeux, les femmes nobles du pays sont libres d'épouser comme elles le souhaiteront n'importe quel Français: *set Francigenis quibus voluerint poterint nubere*, cela sans requérir l'assentiment du comte Simon ou de quiconque: *non requisita licencia comitis vel alterius*.

Le rédacteur des statuts montre ici son habileté. Après les sévères restrictions apportées aux libertés des femmes dans la première partie de la phrase, et bien que la restriction trouve en fait son point culminant ici, elle apparaît soudainement comme un espace d'acquisition d'autonomie. En effet, nulle mention n'est faite de la maison et des hommes qui règlent à l'accoutumée les alliances matrimoniales. Il n'est ici question que de femmes, et celles-ci apparaissent maîtresses de leur avenir. *Alterius* vise ici évidemment un représentant de l'autorité comtale, la tutelle politique, mais elle pourrait bien exclure aussi la parentèle dans son rôle traditionnel: cela délierait statutairement ces femmes de l'autorité, même symbolique, d'hommes dont on peut soupçonner une certaine rébellion envers l'envahisseur et ses soutiens, même languedociens.

Les statuts dans les articles précédents ont entrepris de priver les hommes opposés à la croisade de la totalité de leurs droits, les condamnant au *faidiment*. Les femmes sont un enjeu tout autre, on le remarque déjà auparavant dans ces coutumes:[119] non susceptibles de mener des guerres, titulaires de possessions propres, capables d'engendrer. En ce qui concerne les catholiques, l'enjeu est grand puisque leurs possessions comme leur ventre sont la pierre angulaire d'une implantation durable en Languedoc.

La formulation des statuts porte à croire qu'épouser un Français est un espace d'émancipation des femmes. Et il est très net que l'objet de cet article 46 est d'encourager, sinon de contraindre, à ces unions entre

119. On verra à ce titre les articles 44 et 45 sur la manière dont les femmes disposent de leurs héritages (44) et la nécessité pour toutes les épouses de traîtres ou d'hommes convaincus d'hérésie de quitter leur foyer, tout en conservant leur terre et le revenu de leur dot sous réserve de ne pas en faire profiter leurs maris tant qu'ils ne seront pas réconciliés (45).

des femmes autochtones et des hommes venus de France—de la région autour de Paris.[120]

Set termino . . .

"Set termino elapso poterunt nubere communiter."
Dans tous les cas, ce délai accompli elles pourront se marier avec tous.

Le même coordonnant (*set*) permet de revenir au délai. Les enjeux de durée sont essentiels puisque, ce terme atteint, le *periculum terre* semble écarté pour le pays, et son seigneur. Au bout de dix ans, une nouvelle génération sera née inscrite dans des lignages français ou tributaires du pouvoir nouvellement installé. La manœuvre est judicieuse. Les hommes en âge de se battre, comme leurs fils en âge de se marier, restent désespérément *faiditz*. Ils sont alors sortis de l'échiquier politique soit par leur avancée en âge, soit par l'absence de mariage et donc de descendance, soit par les turpitudes d'une vie d'errance. Il n'a alors plus guère d'hommes pour se battre et défendre des lignages qui n'existent plus que par les femmes. C'est une suppression calculée de l'ennemi par l'extinction de sa descendance. On rapportera ces dix années de mariage contraint aux articles 17 et 18 qui stipulent que, pendant vingt années, on ne saurait faire servir des chevaliers autres que français dans l'armée de Simon, par souci de loyauté. Vingt années, on touche là à une génération d'hommes en âge de se battre. C'est-à-dire qu'à terme échu, si tout était allé comme prévu, n'auraient dû servir auprès de Simon que les jeunes nés de ces mariages contrôlés. Le décalage entre les deux durées sert évidemment à ce que le comte Simon soit toujours entouré de chevaliers fidèles au sein de son armée.

Si faisant fie des événements à venir, on projette une réalisation de l'administration des territoires de Simon en Languedoc en ce qui concerne le service dans son armée et la prise en main des fiefs par des lignages affidés languedociens ou français, cela donne le résultat suivant. Pendant vingt ans serviront des chevaliers Français. Au cours des dix premières années, en parallèle donc, naissent—et commencent à

120. Locution: "Francie circa Parisius," art. 12, 43, 1 *bis* et 3 *bis*. Les articles numérotés *bis* sont ceux de l'appendice des Statuts.

grandir—des enfants issus de ces mariages contrôlés franco-languedociens, de père français ou approuvé pour sa fidélité à Simon. Puis, ces enfants, pendant les dix années suivantes, grandissent encore afin, pour partir et à terme échu, de servir le comte. Ils seront alors une première génération d'autochtones fidèles au comte et dont la fidélité sera garantie par le lignage. Dix années plus tard encore schématiquement—commenceront à servir le descendant de Simon des languedociens issus des unions non contraintes des femmes nobles autochtones, mais on devait compter sur la pacification du pays, à ce moment là obtenue depuis longtemps, pour avoir résigné les rebelles: à ce moment là, le lignage de Montfort était censé être possessionné en Languedoc depuis trente années révolues. La guerre étant alors pour ces jeunes, celle des anciens, voire d'un autre temps.

Dix années, c'est aussi le délai qui s'écoule certainement entre les grandes victoires que met en scène l'Anonyme de la *Chanson de la Croisade albigeoise* et la rédaction de son texte (1228), à l'heure où les comtes de Toulouse et de Foix sont isolés, seuls résistants. Or l'urgence de la geste est celle de la mobilisation des fils auxquels on donne l'exemple des ancêtres glorieux, en l'occurrence de leurs pères, dans cette temporalité plus immédiate qui est celle de la chronique historico-épique. Habilement les statuts ne disent pas qu'au terme de ces dix années les femmes du pays pourront épouser des hommes d'oc sans autorisation nécessaire du comte, ce qui rappellerait que l'interdit frappe seulement la liberté d'union avec les autochtones. On préfère écrire que ce délai écoulé, elles pourront se marier *communiter*, avec tous, ce qui est maintenir dans la partie les hommes venus de France.

Le cotexte des Statuts relatif aux femmes

L'énoncé de l'article 46 est sans égal dans l'ensemble du texte, il se trouve pourtant pris dans une série finale de trois articles consacrés aux femmes et s'intègre dans les quelques dispositions des statuts traitant du lignage à travers la question des femmes.

On doit à Michel Roquebert la plus récente analyse de ces statuts, allant bien au-delà de la seule question de l'implantation de la coutume de Paris en pays languedocien de droit écrit. Si les traducteurs de la chronique de Pierre des Vaux-de-Cernay donnent aussi une classification du

contenu thématique des articles des statuts lorsque l'auteur de la chronique les aborde dans son récit, on retiendra ici celle de Roquebert.[121]

Celui-ci classe le contenu des articles en sept sections: l'Église et la religion: art. 1-10; les hérétiques et les juifs: art. 11, 14-15, 25; l'armée et la chevalerie conquérante: 17-24; les roturiers: 13 (justice), 26-34; les mesures administratives: 35-42; la transmission des biens: 12 (aumône du quint), 43-46; la substitution du droit français au droit méridional: les trois articles du texte annexé aux coutumes par Simon de Montfort.

L'article 16, sur les péages, fait dans cette classification figure d'inclassable, c'est d'ailleurs aussi le cas dans une moindre mesure de 11-16 et 25.[122]

Augustin Fliche, lui retient des statuts de Pamiers trois traits: une place privilégiée accordée à l'Église (I), des garanties accordées aux bourgeois et paysans afin de ruiner la féodalité méridionale (II), et enfin " les derniers articles plus contestables" destinés à assurer la mainmise de chevaliers du Nord sur le pays conquis.[123]

Parmi ces articles plus contestables se trouve évidemment le quarante-sixième. Les articles qui ont trait aux femmes (44-46) visent le patrimoine et la transmission des biens. Il est particulièrement intéressant de noter que c'est uniquement lorsque l'héritage est évoqué que l'auteur précise l'inscription géographique de l'usage qu'il ordonne: la nouvelle réglementation dispose que les successions [de tous, bourgeois, nobles ou paysans] se feront selon l'usage de France autour de Paris (art. 12, 43, repris dans l'appendice).[124] Cette révolution patrimoniale implique

121. Des Vaux de Cernay, *Historia*, 142-43n3; Roquebert, *L'épopée*, t. I, 696-714.

122. Roquebert, *L'épopée*, 696. Ces "inclassables" le sont pourtant dans les p. 696 *et pass.*, seul le seizième n'y apparaît pas.

123. Augustin Fliche, "L'état toulousain," in *Histoire des institutions françaises au Moyen âge*, dir. Ferdinand Lot et Robert Fawtier, t. I: *Institutions seigneuriales, les droits du roi exercés par les grands vassaux* (Paris: Presses universitaires de France, 1957), 71-99, 89-90: "Le but de ces diverses dispositions est fort clair: toutes concourent à une transformation sociale au profit des conquérants" (90).

124. Charte de coutume des statuts: art. 12: "ad consuetudinem et usum Francie circa Parisius"; art. 43: "secundum morem et usum Francie circa Parisius." Appendice: art. 1 *bis*: "secundum morem et usum Francie circa Parisius"; art. 3 *bis*: "eudem usum et eandem consuetudinem, que servatur in Francia circa Parisius." Le texte de l'article 43 et du 1 *bis* sont identiques en tous points.

un bouleversement anthropologique touchant le système familial, et que prévoient ces règles de gouvernement établies par Simon de Montfort. Pour autant, en l'absence de travaux historiques évaluant les effets de ces coutumes on est bien en peine d'en dire les conséquences à de rares exceptions près; ce n'est, rappelons-le, pas l'objet de la présente étude. Les articles 44-46 touchent le sort des femmes.[125] Le quarante-quatrième, court, concerne les femmes et l'héritage. Il stipule que, *ab intestat*, leurs dots iront à leurs aux héritiers, et qu'elles pourront, si elles le souhaitent, en disposer par testament. Le quarante-cinquième, comme le quarante-sixième est plus long et lié à la question de l'hérésie; il concerne les épouses plus que les autres. Il établit que les femmes de traîtres envers le comte ou l'Église devront quitter la terre (*faididas*) afin de ne pas attirer sur elles de suspicion, et ce même si elles sont catholiques. Elles conserveront leur terre et le revenu de leur dot sous réserve de ne pas en faire profiter leurs maris tant que ceux-ci ne seront réconciliés.

Conjugué à l'article quarante-six, on peut faire l'hypothèse qu'en cas de divorce les catholiques remariées à des proches du comte (français ou pas) pourront réintégrer leur résidence: XLIV. Item maritagia mulierum revertantur ad heredes ipsarum et possint inde condere testamentum si voluerint. XLV. Item omnes uxores illorum proditorum et hostium comitis, licet catholice invente fuerint, terram exeant comitis ne qua suspitio habeatur de eis et habebunt terras et redditus maritagii sui, prestito tamen sacramento quod nullam inde facient portionem maritis suis quamdiu permanserint in guerra contra Christianitatem et comitem.[126]

Ainsi, en trois articles finaux, on règle les questions posées par le statut des femmes. Les hérétiques tombent sous le coup des sentences qui les concernent et on ne les évoque pas ici; pour les autres, les

125. Timbal, *Conflit d'annexion*, sur les Montfort (113-25), et sur les Lévis-Mirepoix (125-30); 23-24.

126. Timbal, 183. XLIV: "De même, les dots des femmes reviendront à leurs héritiers, et elles pourront en disposer par testament si elles le veulent." XLV: "De même, toutes les épouses des traîtres et des ennemis du comte, bien qu'elles aient été reconnues catholiques, elles quitteront la terre du comte pour qu'il n'y ait pas de suspicion à leur propos, et elles auront leurs terres et le revenu de leurs dots, à condition de faire serment qu'elles n'en accorderont aucune part à leurs maris tant qu'ils resteront en guerre contre la Chrétienté et le comte."

modalités d'héritage, de survie dans le mariage avec un traître ou leur existence dans le mariage avec un ami de la croisade sont stipulées. On notera que des femmes, seules retiennent l'attention des rédacteurs celles à même de transmettre un patrimoine pour assurer les lignées, et qui représentent donc un enjeu de conquête.[127]

Conclusion

Les statuts de Pamiers, et cela par des dispositions explicites, tendent à disposer de la femme et de son corps en vue de l'installation dans le pays d'une nouvelle noblesse dont on estime qu'elle participera à la bonne marche d'une société selon un ordre rénové, fondé sur le gouvernement de l'Église et du droit tel qu'on le pratique dans l'orbite de la couronne parisienne. C'est un échec. Par résistance des usages et les événements de la guerre, la coutume de Paris aura bien du mal à s'installer dans les usages juridiques du pays et demeurera le droit particulier des seigneurs français, réglant pour l'essentiel leurs rapports interpersonnels et leurs dévolutions d'héritages. Le droit familial parisien sera progressivement abandonné par les descendants des feudataires d'albigeois qui, abandonnant l'usage de leur maison d'origine, pour la tradition du droit écrit languedocien.[128]

Les femmes nobles indigènes dont on voulait faire le levier d'une génération à venir, favorable à la croisade et soumise à l'autorité de Simon, autant qu'éventuellement incapable de se rebeller contre lui, ne seront en fait que très rarement de tels instruments, les événements comme la rareté des alliances empêchant ce dessein de se réaliser.

On notera que le corps des femmes nobles est ici un lieu de conquête dont on dispose. En établissant qui elles sont autorisées à épouser, on

127. Sur la planification des mariages de ses vassaux par leur seigneur, on pensera au cas, rappelé par Aurell, d'Henri III d'Angleterre qui "fait consigner autour de 1180, le nom et l'âge des quatre vint veuves de son royaume, ainsi que des orphelines et des héritiers, pour lesquels il s'occupera personnellement de chercher un conjoint," une pratique consignée dans les *Rotuli de dominabus et pueris et puellis*. Martin Aurell, "Stratégies matrimoniales de l'aristocratie (IXe-XIIIe siècle)," in Rouche, *Mariage et sexualité au Moyen Age*, 197.

128. Timbal, *Conflit d'annexion*, 111-31.

fait de leur faculté de reproduction un moyen de conquête à long terme. Remplacer les lignages en conditionnant les mariages c'est briser les liens familiaux de ces femmes et la structuration d'une société. Coupées des alliances traditionnelles de leurs familles et tissu social, elles seront à coup sûr considérées comme des traîtres par partie de leurs lignages d'origine. De ces femmes, objets, on retient l'intérêt matériel stratégique qu'elles représentent—corps et possessions propres.

Cet article 46 de la charte de coutumes des statuts, apparaît comme le point d'orgue de l'édifice élaboré par le Parlement réuni à Pamiers, et dont on ne s'étonnera pas qu'il la conclue.

En 1212, établir juridiquement le dispositif d'une colonie de peuplement, est le seul—et certainement le meilleur—moyen pour Simon de Montfort de se garantir contre l'avenir. La colonisation juridique, c'est-à-dire l'implantation de la coutume de Paris, n'est qu'un moyen de rendre possible l'installation et donc la conquête à long terme. L'importation des institutions est dans ce contexte un procédé courant que l'on retrouve en Méditerranée et outre-mer.[129] Si le texte des Statuts de Pamiers, habile et parfois audacieux, échoue dans son dessein, après vingt années de croisade et par le Traité de Paris, le mariage de Jeanne de Toulouse fera figure d'application posthume de l'article 46: c'est la reprise en main du lignage méridional par excellence, et sa dissolution.

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129. Voir notamment Balard, *État et colonisation*, 167 et suiv.

2016 Society for Medieval Feminist Scholarship Graduate Student Prize Essay

Medicine Beyond Doctors: Aphrodisiac Recipes in Tenth-Century Medicine and Cuisine[1]

Shireen Hamza

Introduction

Recipes are found across literary genres in classical Arabic literature, from cookbooks to poetry collections to medical textbooks. Texts written to please and entertain readers still include recipes with their purported medical effects, and medical texts include recipes to enhance pleasure. This essay clarifies the recipe as an epistemic genre, which Gianna Pomata has described as "forms of literacy in which cognitive practices are inscribed."[2] These recipes share certain epistemic principles. They require that the reader understand that food plays an integral role in health and know about the properties of the ingredients. They take for granted that the readers will have a shared concept of the body, based on the humoral medical system developed by Galenic physicians. I argue that the appearance of the recipe in belles-lettres (*adab*) shows that knowledge of the humoral properties of food went beyond formal medical practitioners into broader literate society. These

1. The conference convened by Claire Savina and Frederic LaGrange, "Les Mots du désir: La langue de l'érotisme arabe et sa traduction," came as a wonderful corrective to this scarcity. It was held on the 6th and 7th of May at the Institut du Monde Arabe and the Université Paris-Sorbonne. This paper benefitted greatly from the comments I received there. Its program can be found here: http://www.atlf.org/les-mots-du-desir-la-langue-de-lerotisme-arabe-et-ses-traductions/. A review of the conference by Adam Talib can be found here: Adam Talib, "What Words Want," *Journal of Middle East Women's Studies* 13, no. 1 (2017): 128–31.

2. Gianna Pomata, "Sharing Cases: The *Observationes* in Early Modern Medicine," *Early Science and Medicine* 15, no. 3 (2010): 193–236, 197–98, www.jstor.org/stable/20750215.

recipes frequently included those that would help readers regulate their sexual desire, virility, and reproductive health, including aphrodisiac recipes. I trace the movement of aphrodisiac recipes from medical texts to more belletristic texts.[3] The medical texts I draw from are a general compendium, Ibn al-Jazzār's (d. ca. 980) *Zād al-musāfir wa qūt al-ḥāḍir,* and a specialized treatise on sex, Abu Bakr al-Rāzī's (d. 925) *al-Kitāb fī 'l-Bāh.* The belletristic text is a literary cookbook, Ibn Sayyār al-Warrāq's *Kitāb al-Ṭabīkh,* in which the author compiled the work of many tenth-century poets and cooks. The strong coherence between the information about sex in the medical compendium meant for physicians and the cookbook meant for a more general audience suggests the diffusion of Galenic medicine taking place in the tenth century.

Conceptions of the body were changing in the early Islamic world with the entrance of new scientific discourses that were made more readily available in Arabic through translation. As many texts written by "Hippocrates," Galen, and other ancient and late-antique Greek physicians were translated into Syriac and Arabic from the eighth century onward, a medical system based on Galen's formulation of Hippocratic texts came to be widely studied and practiced.[4] In Galenic medicine,

3. This project is not the first to draw a connection between culinary and medical literatures. See David Waines, "Dietetics in Medieval Islamic Culture," *Medical History* 43, no. 2 (1999): 228–40, https://www.ncbi.nlm.nih.gov/pmc/articles/PMC1044734/pdf/medhist00019-0080.pdf. Waines sees such continuity between writers' preoccupation with health in cookbooks and in the medical genre about food (dietetics) that he considers them to together constitute a "Medico-culinary-dietetic" tradition (230). He also discusses a cookbook by a tenth-century author, Ibn Sayyār al-Warrāq, noting that the book begins with chapters "reflecting the influence of the Greek dietetic tradition" (233). I will further Waines's analysis by going further into these chapters and other parts of the book in which sex is discussed. Waines also mentions "semi-popular" specialized treatises by physicians, concluding that "information concerning dietetics was not a monopoly of the physicians; it was shared by other sectors of the cultured urban public. Moreover, public awareness of food as a contributor to the individual's health was not confined simply to either medical or culinary works" (233). As Waines points out, one genre in which this "public awareness" was cultivated is the specialized medical treatise written by the physician. Undoubtedly, the diffusion of the concept of the humoral body is also reflected in texts written by those outside of the medical profession.

4. For the "translation movement" from Greek, Syrian, Persian, and Sanskrit

illness is caused by an imbalance of the four humors, blood, phlegm, black bile, and yellow bile (*dam, balgham, sawdāʾ* and *ṣafrāʾ*), which are constitutive of all of the body's components.[5] The learned medical tradition was only one part of the ever-changing medical landscape, which was also populated with non-elite practitioners like bloodletters, bonesetters, and amulet writers.[6] But learned medicine itself was still in

into Arabic, see Dimitri Gutas. *Greek Thought, Arabic Culture: The Graeco-Arabic Translation Movement in Baghdad and Early ʿAbbasid Society (2nd-4th/5th-10th c.)* (London: Routledge, 2012). For a detailed survey of Greek medicine, including Hippocratic traditions, see Vivian Nutton, *Ancient Medicine* (London: Routledge, 2004).

5. While the Hippocratic corpus (fourth and fifth centuries BCE) includes inconsistent mention of these humors in a few texts, it is Galen (second century CE) who systematizes these four humors in his medical texts. Galen, and Hippocrates through the works of Galen, remained hugely influential figures in the Islamicate world, and many physicians harnessed their authority by propagating their own views through writing commentaries on their texts. By referring to Islamicate, the well-known concept coined by Marshall Hodgson, rather than Islamic, I emphasize the heterogeneous character of the lands governed by Muslim polities, the contributions made by non-Muslims to knowledge traditions and the social fabric, and that a civilization cannot be reduced to its rulers' religious premises.

6. Emilie Savage-Smith, "Medicine in Medieval Islam," in *The Cambridge History of Science*, ed. David Lindberg and Michael Shank, vol. 2 (Cambridge: Cambridge University Press, 2013), 139. Savage-Smith says that "magical and folkloric" practices consisted of "wearing an amulet, sometimes by employing magical equipment or a talismanic chart, and sometimes by placing a talismanic or benedictory inscription on a very utilitarian object, such as a spoon or a mortar and pestle" (160). Though I distinguish between practices inside and outside the Galenic tradition, I do not see the need to label the former as "science" and the latter as "folk" or "magical"; Savage-Smith herself gives no justification for her distinction between science and non-science, although she acknowledges that the historical sources for non-literate practice are few and far between, and thus the sources are biased towards the Greek tradition. Other discussions of magic vs. folk practice vs. science in literature on the history of medicine of the Islamic world often rely on presentist assumptions. For example, see Cristina Álvarez-Millán, "Practice versus Theory: Tenth-Century Case Histories from the Islamic Middle East," *Social History of Medicine* 13, no. 2 (2000): 293-306, 303, doi:10.1093/shm/13.2.293. Rather than historicizing the sensibilities of al-Rāzi and his milieu, she says that "particularly revolting ingredients often associated with folkloric practices (and with no apparent use from the modern point of view)" are not to be found in his casebook.

formation, as an intellectual and professional discipline, in the dynamic context of ongoing translation and composition. By the tenth century, "an encyclopedic range of mainly Greek writing from classical antiquity was introduced into Arabic" along with "Middle Persian and Sanskrit sources," making it a time for the "appropriation and naturalization" of knowledge in Baghdād, the multi-ethnic political and intellectual capital of the ʿAbbāsids.[7] This appropriation and naturalization of knowledge included the use of Galenic medicine by those writing about issues of daily life—food and sex—for an Arabic-reading public.

Doctor's Orders

In order to eventually demonstrate the appropriation of medical knowledge by the author of the cookbook, I first illustrate some of the physiological explanations for sex that were in circulation among physicians in the tenth century at the time Ibn Sayyār al-Warrāq was compiling his cookbook.[8] I begin with an influential medical text from the tenth

7. Travis E. Zadeh, *Mapping Frontiers across Medieval Islam: Geography, Translation, and the 'Abbāsid Empire*, Library of Middle East History; v. 27 (New York: I. B. Tauris, 2011), 21-22.

8. In this article, I follow the methodology of historians of medicine in the medieval Islamicate world, who often investigate a given topic in depth synchronically through the works of several well-known medical authorities who were roughly contemporary to each other. For example, to investigate an aspect of tenth-century surgical practice, Emilie Savage-Smith compares works on the topic by al-Rāzī, al-Majūsī, and Ibn Sīnā. See Emilie Savage-Smith, "The Practice of Surgery in Islamic Lands: Myth and Reality," *Social History of Medicine* 13, no. 2 (2000): 307-21, doi:10.1093/shm/13.2.307. See also Michael Dols, "Leprosy in Medieval Arabic Medicine," *Journal of the History of Medicine and Allied Sciences* 34, no. 3 (1979): 314-33, doi:10.1093/jhmas/XXXIV.3.314. Dols refers to the problem of choosing sources, stating "practically every Arabic writer on medicine discussed leprosy. The following survey of leprosy in the Arabic medical texts is based on the accounts of the disease by prominent physicians; the survey is presented in approximate chronological order" (321). He then summarizes the positions on leprosy of 'Alī ibn Sahl al-Rabbān al-Ṭabarī, al-Kindī, Yūḥannā ibn Sarābiyūn, Thābit ibn Qurrah, Abū Bakr al-Rāzī, al-Majūsī, Abū Manṣūr Qumrī, Ibn Sīnā, al-Zahrāwī, and Ibn al-Quff, discussing at the end a text of prophetic medicine by al-Azraq.

century by Ibn al-Jazzār (d. ca. 980), *Zād al-musāfir wa-qūt al-ḥāḍir.*[9] The broad inclusion of sex and sexual dysfunction in medical literature shows that the topic was run-of-the-mill for physicians in this period, who drew on earlier texts written within the Galenic paradigm.[10] Although these discourses may have differed from normative discourses about sexuality in the Islamic, Christian, or Jewish legal traditions, the learned medical genre in Arabic largely maintains the same kind of sexual norms as the Greek genre it drew on, one in which maintaining health is the reason to regulate sexuality.[11] Other tenth-century physicians like Abū Bakr al-Rāzī and al-Majūsī straightforwardly recommended having sex to women suffering from a disorder caused by too little sex, uterine suffocation (*ikhtināq al-raḥim*), as did all known ancient Greek physicians, with the exception of Soranus.[12] In this disease, women's sperm or menstrual blood was kept inside their bodies, without release, and thus became a suffocating, cold vapor.[13] Ibn al-Jazzār concurred that the evacuation of sperm is natural, in his discussion of uterine suffocation, but said no more.[14] Too much sex, however, could also be bad, as

9. Although Ibn al-Jazzār lived in Qayrawān, not Baghdad, many manuscripts of his work were produced across the Middle East, North Africa, and South Asia. For manuscripts written in the Levant, Yemen, Iran, and Tunisia, see Fuat Sezgin, *Geschichte Des Arabischen Schrifttums,* vol. 3, 305. Brockelmann lists some copies of Ibn al-Jazzār's *Zād al-Musāfir* and their Latin translations, but he neglects the numerous manuscripts of this text in South Asian libraries such as Khuda Bakhsh Oriental Public Library (Patna, India) and Raza Library (Rampur, India).

10. This changes in the genres of *ʿilm al-bāh* and prophetic medicine, in which sources may include Islamic law, literary anecdotes, hadith, strictly Galenic medicine, and talismanic medical recommendations.

11. See Gerrit Bos, *Ibn al-Jazzār on Sexual Diseases and their Treatment: A Critical Edition of Zād al-musāfir wa-qūt al-ḥāḍir*, *Provisions for the Traveller and Nourishment for the Sedentary, Book 6* (London: Kegan Paul International, 1997), 29, for one example of the many moments that Bos traces the ideas in Ibn al-Jazzār's text to specific texts of Galen, Rufus, and others.

12. Bos, *Ibn al-Jazzār*, 49; and Monica H. Green, *The Trotula: A Medieval Compendium of Women's Medicine* (Philadelphia: University of Pennsylvania Press, 2001), 26.

13. Bos, *Ibn al-Jazzār*, 274-76. Bos chooses to translate this as "hysterical suffocation," perhaps to stay consistent with translations of Western medical texts.

14. Bos; see p. 6 for Ibn al-Jazzār's life. Biographers like Ibn Abī Usaibiʿa all

it caused sciatica (*ʿirq al-nasā*) and gout (*niqris*); the joints were heated through movement during coitus, and this heat pulled in harmful wastes and caused pain and swelling.[15] The physician thus felt a responsibility to recommend the appropriate amount of sex to patients based on their age and humoral constitution (*mizāj*).

Ibn al-Jazzār's *Zād al-musāfir* was an *a capitum ad calcem* compendium of well-known medical knowledge, which was translated into Greek, Hebrew, and Latin, through which it was eventually included in the *Ars medicinae*.[16] The sixth volume of Ibn al-Jazzār's *Zād al-musāfir* is about sexual diseases and their treatment. He explained therein that heat (*ḥarāra*), moisture (*ruṭūba*), and wind (*rīḥ*) were all necessary components for men to have sex. Heat in the body increased desire, and moisture increased sperm. The sperm passed through the testicles before it reached the penis and was therein changed completely, making it crucial for the temperament of the testicles to be appropriately hot and wet.[17] *Rīḥ* or wind was necessary for penile erection.[18] Without all three of these qualities in proper proportion, sex was not a healthy activity. For example, if heat and dryness were dominant in someone's constitution, he would greatly desire sex, but have very little sperm.[19] It is noteworthy that Ibn al-Jazzār's understanding of this corresponds with the ideas set out by his teacher, the Jewish Neoplatonic philosopher Isḥāq al-Isrāʿīlī, in his book of dietetics, *Kitāb al-Aghdhiyya wa-'l-adwiyya*, and so had precedent in North Africa since at least the late ninth century.[20] Having explained the importance of heat, moisture and wind, Ibn al-Jazzār went on to say,

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emphasize the piety of Ibn al-Jazzār, because he "lived an austere life," spent time in a Sufi cell once a year, and never sought an appointment at a court. It is unclear to me whether this is related to the way he discusses the treatment of women's diseases, but it is possible.

15. Bos, *Ibn al-Jazzār*, 295-310.

16. Bos, 9-10. The *Ars medicinae* was a compendium of medical textbooks used widely in the medical schools of Salerno and Montpellier as well as the universities in Bologna, Paris, and Oxford.

17. Bos, *Ibn al-Jazzār,* 77.

18. Bos, 74-75

19. Bos, 78.

20. Isrāʿīlī, vol. 2, 105-10.

> When all three of these qualities are found in a single food or medicine, it will generate sperm and strengthen sexual potency. One who knows which foods have one or two or three of these qualities will be capable of amassing all three from two different foods or more, since each food by itself would not generate sperm.[21]

Ibn al-Jazzār opened the door to his readers, allowing them to take into their own hands the ability to constitute remedies for sexual impotency—insofar that they already knew the qualities of various foods. Though this lengthy text was most likely intended for physicians, despite the name implying it would be useful to a traveler, other kinds of writers drew on and developed Ibn al-Jazzār's explanation in later centuries.

Physicians spread humoral advice to the broader reading public by writing specialized treatises on specific topics; treatises on sex formed a genre called *'ilm al-bāh*, which originated in the eighth century or earlier. Another tenth-century physician, Abū Bakr al-Rāzī, wrote one such specialized treatise on sexual health, *al-Kitāb fī 'l-Bāh.*[22] Al-Rāzī

21. Bos, *Ibn al-Jazzār*,78.

22. Brockelmann calls al-Rāzī the most important physician of the period and lists the many copies of his medical compendia to be found in libraries across Europe, the Middle East, and South Asia. As for the treatise on sexology, he cites one *Kitab al-Bāh* in Leiden and one *Risāla fi 'l-Bāh* in Mosul. In this paper, I relied mostly on an edition of the text published in Cairo in 2007, al-*Rāzī, al-Kitāb fī 'l-bāh,* included within al-Maghribī, al-Samaw'al, *Nuzhat al-Aṣḥāb fī ma'āshirat al-aḥbāb* (al-Qāhirah: Dār al-Āfāq al-'Arabīyah, 2007), 290-370. This text differs in minor details from the version published in *al-Nisa* in 1999 but is clearly the same text. Neither edition identifies the manuscript used by the editor. However, Peter Pormann identifies the manuscript used to create the 1999 version as the Leiden manuscript. Because the 2007 version includes photographs of the manuscripts used, on which a clear title is visible (*al-Kitāb fī 'l-bāh*), I conclude that both editions were based independently on the same manuscript. I cite page numbers from the 2007 edition.

See Carl Brockelmann, "16 Kapitel. Die Medizin," *Brockelmann Online*, accessed 24 September 2016 <http://dx.doi.org.ezp-prod1.hul.harvard.edu/10.1163/1877-0037_brock_d1e28927>; and Peter Pormann, "Al-Razi (d. 925) on the Benefits of Sex: A Clinician Caught Between Philosophy and Medicine," in *O ye Gentlemen: Arabic Studies on Science and Literary Culture in Honour of Remke Kruk*, ed. Arnoud Vrolijk and Jan P. Hogendijk, Islamic Philosophy, Theology, and Science; 74 (Leiden: Brill, 2007), 115-27, 115n3.

is much better known for his "working files," *Kitāb al-Ḥāwī fi 'l-ṭibb,* as well as his medical handbook, *al-Manṣūrī fī 'l-ṭibb*, but these texts do not go into as much detail on sexual health and dysfunction as his shorter treatise.[23] In the sixth chapter of his treatise on sex, he explained that maintaining the heat, flow, and quantity of sperm was the chief matter at hand in treating sexual dysfunction.[24] The physiological cause for sexual desire was the natural desire of the testicles to evacuate themselves of sperm and other wastes. There could be three causes for someone's impotence: lack of desire, a weakness of sexual organs, or a scarcity and coldness of sperm.[25] Al-Rāzī focused on fixing the third, and this is where his recommendations paralleled Ibn al-Jazzār's:

> Foods are more effective (*ablagh*) in generating sperm and increasing it than medicines. . . . Those foods which are suitable to the generation of much sperm have (1) viscosity and substantiality (*ghalẓ wa matāna*) (2) excess moistures, and (3) heat, which can generate thick winds from the moistures. Let the preparer seeking to increase sperm aim to bring together these three [qualities]

23. On the confusion between *al-Ḥāwī* and *al-Jāmiʿ* see Ahmed Ragab, *The Medieval Islamic Hospital: Medicine, Religion, and Charity* (Cambridge: Cambridge University Press, 2015), 146-50; Emilie Savage-Smith, "The Working Files of Rhazes: Are the *Jāmiʿ* and the *Ḥāwī* identical?," in *Medieval Arabic Thought. Essays in Honour of Fritz Zimmermann*, ed. Rotraud Hansberger, M. Afifi al-Akiti, and Charles Burnett, Warburg Institute Studies and Texts; 4 (London: Warburg Institute, 2012). A. Z. Iskandar calls this text the "notebooks," as does L. E. Goodman, "al-Rāzī," *Encyclopaedia of Islam*, ed. P. J.Bearman, Thierry Bianquis, E. J. van Donzel, and Wolfhart Heinrichs, 2nd ed., http://dx.doi.org.ezp-prod1.hul.harvard.edu/10.1163/1573-3912_islam_SIM_6267, accessed 4 October 2016.

24. al-Rāzī, *al-Kitāb fī 'l-bāh*, 337.

25. See also al-Rāzī, *Trois traites d'anatomie arabes*, Publications of the Institute for the History of Arabic-Islamic Science; 28 (Frankfurt am Main: Institute for the History of Arabic-Islamic Science, Johann Wolfgang Goethe University, 1903; repr. 1996), 427-28. He says therein, in chapter 37 on the Description of the Penis: "The penis was made a nervous organ, so that it is sensitive to good feelings and so that mankind (*al-insān*) can enjoy sex, and it was made empty of any moisture so that its hollow can fill at the time of sex with wind, which enlarges it and makes it erect, so that it can enter the womb. This action is called erection (*al-in'āẓ*)." He then goes on to describe the muscles and seminal vessels on either side of the penis, which extend in different directions at the time of sex.

> in his food. And if all three of these qualities come together in a single substance, then one need not rely on another, but if the [qualities] do not exist in [a single food], bring together with it that which will provide the remaining qualities that I listed. Sometimes a substance contains all necessary qualities, like the way they come together in the chickpea, the carrot, the long Indian pepper, carrot seeds, *raṭaba*, spearmint, and others in this vein.[26]

Though al-Rāzī called for slightly different qualities in aphrodisiac foods than Ibn al-Jazzār did (viscosity vs. wind), this passage shows that both physicians use the same reasoning for building aphrodisiac recipes—ensuring they have all three necessary qualities, including heat and moisture. Both authors included a number of recipes following this explanation, and Ibn al-Jazzār included a few recipes that he had tested himself and found beneficial.

Aphrodisiacs in a Tenth-Century Cookbook

To return to the main text under investigation, the cookbook *Kitāb al-Ṭabīkh* was written by Abū Muḥammad al-Muẓaffar ibn Naṣr ibn Sayyār al-Warrāq in Baghdad, between 940 and 950 CE.[27] Al-Warrāq is not known to us except through the authorship of this book, but multiple scholars postulate that his name refers to his association with the book market, the *sūq al-warrāqīn*; this would have been an ideal place to gather material for this "book on dishes cooked for kings, caliphs, lords and dignitaries."[28] He included in the very title of the book that he extracted its contents from medical books as well as the words of

26. al-Rāzī, *al-Kitāb fī 'l-bāh*, 339-40.

27. For a lengthy discussion of the dating of this text based on the many poets, caliphs, cooks, and other sources mentioned within, see Nawal Nasrallah, *Annals of the Caliph's Kitchen: Ibn Sayyār Al-Warrāq's Tenth-century Baghdadi Cookbook* (Leiden: Brill, 2007), 10-11.

This text has sometimes been confused with another text of the same name by al-Kātib al-Baghdādī, written in 1226. A translation of al-Baghdādī's cookbook by A. J. Arberry, *A Baghdad Cookery Book*, was published in the 1930s, and a footnote therein makes reference to the Oxford MS of al-Warrāq's cookbook.

28. Nasrallah, *Annals of the Caliph's Kitchen,* 12.

culinary workers, stating also in the introduction that he saved his reader the trouble of consulting the "books of the ancient philosophers and eloquent physicians."[29] Though he named no commissioner of the text, if there was one, it was presumably one with a taste for high cuisine.[30]

The text mostly allows us a view of the elite, literate sectors of society, but careful reading allows us glimpses of less elite and/or illiterate people. Many recipes were advertised through their purported use by caliphs, although this also becomes a literary convention. There was a clear association of sexual virility with the ruling class in the genre of specialized treatises about sex, '*ilm al-bāh*; some aphrodisiac recipes were advertised as being used by caliphs or the kings of ancient Egypt and India.[31] Still, it is likely that the audience of the cookbook went beyond the royal household and the court. Al-Warrāq provided some recipes in multiple grades, as with handwashing substances, for which he included one "royal" recipe (*maḥlab al-khāṣṣa al-sulṭānī*) and one recipe for the masses and middle class (*maḥlab al-ʿāmma* and *bunk muḥammaṣ wasaṭ*).[32] Further, the sources al-Warrāq cites within the text range from an enslaved cook to her royal master with a penchant for cooking: from Bid'a, renowned for her cold dishes, beef stews, and desserts, to Ibrahīm bin al-Mahdī, to whom twelve of the text's many poems are attributed.[33]

Class and gender are important axes of analysis with regards to sexual preferences in Arabic literature. Tenth-century physician al-Rāzī said in another of his texts concerning men who have the desire to be penetrated (*ubna)* that the remedies he recommended were for the wealthy, like taking frequent hot baths and having their sexual organs massaged by female slaves. For the poor who were "afflicted" in the same way,

29. For the Arabic, see al-Warrāq, *Kitab al-Ṭabīkh,* 1, and for the recent English translation, *Annals of the Caliphs' Kitchens*, 67. Citations henceforth will include page numbers in both the Arabic and English editions. The full title of the text, as given in the Oxford manuscript, is *Kitāb al-ṭabīkh wa iṣlāḥ al-aghdhiyya al-mākulāt wa ṭayyibat al-maṣnūʿāt mimmā 'stukhrija min kutub al-ṭibb wa alfāẓ al-ṭubbāt wa ahl al-lubb.*

30. *Annals of the Caliphs' Kitchen*, 11. Geert Jan van Gelder mentions this as well (see footnote 1 above).

31. Al-Shayzarī, *al-Idah*, 70.

32. al-Warrāq, *Kitab al-Ṭabīkh,* 328; *Annals of the Caliph's Kitchen*, 491-501.

33. *Annals of the Caliph's Kitchen*, 13 and 525.

he recommended fasting and thinking about the afterlife.[34] As for the gender of the intended audience of *Kitāb al-Ṭabīkh*, it is likely that most of the recipes were meant for both men and women. Of the text's seven aphrodisiac recipes for drinks, dishes, electuaries, and condiments, one of the recipes is specified for men and not women:

> A recipe for *juwārishun raṭb* (moist electuary) which invigorates coitus. Not to be given to women:
> Take sweet Ceylon cinnamon (qarfa ḥulwa), spikenard, cloves, qust baḥrī (sea costus), and ginger, 1/2 ūqiyya (15 grams) each. Take as well, 3 ūqiyyas (3 ounces) each of the following: long pepper (dār fulful), ḥaṣwat al-baḥr (sea musk), 7 seeds of watercress (ḥabb al-jirjīr), seeds of Persian leeks (ḥabb kurrāth fārisī), and carrot seeds (ḥabb al-jazar). Pound all these spices and mix them with honey to bind them into paste. Eat one lump of this paste—the size of an almond—twice a day, in the morning on an empty stomach and at bedtime, God willing.[35]

This being the only recipe in the text restricted to men, presumably the rest of the recipes could be used by patients of any gender.

The sexual recipes in this cookbook are consistent with the humoral recommendations of the medical texts mentioned above. Ibn Sayyār al-Warrāq explicitly cited four physicians: Galen, Yuḥannā ibn Māsawayh, Isḥāq bin al-Kindī, and Ya'qūb bin Isḥāq bin al-Kindī.[36] The ubiquity of humoral theory among Galenic physicians and their patients and patrons throughout the Islamicate world within a century of the beginning of the translation movements in Baghdad no doubt contributed to al-Warrāq's decision to include this information in his cookbook. Al-Warrāq describes his primary desire in the very title of his book: to promote the wellbeing of those eating the food he recommends (*iṣlāḥ al-aghdhīyya al-mā'kūlāt*). Encouraging—or discouraging—sexual appetites through diet seems to be a part of this broader mission.

The cookbook begins with chapters on the humoral and other

34. See Franz Rosenthal, "Ar-Razi on the Hidden Illness," *Bulletin of the History of Medicine* 52, no. 1 (1978): 45-61.

35. *Annals of the Caliph's Kitchen*, 482-83.

36. *Annals of the Caliph's Kitchen*, 16-17.

properties of various ingredients and then proceeds to lengthier chapters with recipes for various types of hot and cold dishes, drinks, desserts, hand-washing substances, and even dining etiquette. Of the 132 chapters in this text, al-Warrāq devoted fifteen to the humoral properties of various foods. All of the following examples from these preliminary chapters are about foods that either increase or decrease sexual potency (*bāh*).[37]

> Elecampane (*rāsan*) is hot and dry. Therefore, it is good for a stomach that has an excess of moist humors. It unclogs obstructions in the liver and spleen. However, having too much of it will spoil blood and decrease sperm (129).
>
> Turnip (*lift*) is hot and soft. It generates raw humors and winds and arouses sexual desires (130).
>
> Lettuce (*khass*) is cold and has a soothing and cooling effect on a hot stomach. It depresses coitus and induces sleepiness (128).
>
> Chickpeas (*ḥimmaṣ*) are hot, gaseous diuretics and increase sperm. Fresh chickpeas create a great amount of excretions in the stomach and bowels. Fried chickpeas and fava beans are less gaseous (117).
>
> Lentils (*'ads*) are cold and dry. They engender blood high in black bile, dry up the body, and curb coitus. They soothe the agitated blood, extinguish it, and cool it down. Addiction to lentils might cause darkening of the eyesight and sicknesses related to black-bile disorders (amrāḍ al-sawdāwiyya). Fried lentils are less gaseous (117).
>
> Asparagus (*hilyawn*) is hot and moist. It invigorates coitus and warms up kidneys. It is not good for the stomach and may cause nausea (148).
>
> Carrot (*jazar*) is hot and bloating and is not easy to digest. It is aphrodisiac and diuretic (148).
>
> Levantine leeks (*kurrāth shāmī*) are hot. To benefit the cold stomach and warm up the sperm and get it moving, boil leeks and serve them with vinegar, *murrī* and olive oil (148).

The properties of coldness and dryness are associated with a decrease in

37. Parenthetical references are to *Annals of the Caliph's Kitchen*. I modified these translations slightly for style and clarity.

sexual potency while heat and moistness are associated with an increase in sperm and virility. This is a clear correspondence with the medical explanation for sex given to us by the physicians, Ibn al-Jazzār and al-Rāzī, as far afield as the Maghreb and as close to home as Baghdād.

Lists like this would enable readers to know some effects of their diet on their health, including their sexual health. Perhaps one sign that lay readers were interested in taking matters of sexual health into their own hands is the prevalence of *ʿilm al-bāh* texts. Though texts in this genre were widely read and copied, they remain understudied.[38] Daniel Newman has included a lengthy list of extant and lost texts of *ʿilm al-bāh*, including edited texts as well as those still in manuscript, in his edition and translation of al-Ṭūsī's text, *Kitāb Albāb al-bāhiyya wa ʿl-tarākīb al-sulṭāniyya*, A great number of these texts, even those by very famous authors, remain unedited, like Ḥunayn ibn Isḥāq's *Kitāb Asrār al-falāsifa fī ʿl-bāh* or Ibn Sīnā's *Asrār al-jimāʿ*.[39]

While the humoral nature of various foods is clearly important in al-Rāzī's text, a later text in this genre by Nasīr al-Din al-Ṭūsī (d. 1274) highlights the centrality of this topic even more clearly. Al-Ṭūsī said in the introduction of his treatise on sex that it will be useful to lay people. He also expected that:

> Anyone reading this treatise will no longer need a physician for medical treatment, as [the treatise] contains all the reader requires to treat ailments and diseases that are described in terms of tried and tested benefits.[40]

There is an element of literary convention in this statement, reminiscent of other treatises that claim to suffice for the reader on the topic better than any other text. For example, in the opening line of al-Warrāq's cookbook, he states that his book will save readers the trouble of looking through lengthy medical texts for information about a healthy diet. Al-Rāzī says in the first few lines of his treatise on erotology that all treatises on the topic that he had seen—and there were plenty—were

38. Presentations at "Les Mots du Désir: La langue de l'érotisme arabe et sa traduction" addressed some of these texts.

39. Newman, *The Sultan's Sex Potions*, 163-81.

40. Newman, 85-86.

lacking, Thus, he wrote this text to be comprehensive and useful to both medical practitioners and laymen. But the idea that the text could serve the patient's needs as well as a physician could is rarely found in texts composed by practicing physicians![41]

Al-Ṭūsī's second chapter consists of a list of thirty-five foods and his third chapter of a list of forty-nine simple remedies to improve sexual virility. He instructs the reader to "Commit them to memory so you will remember when any of them are mentioned elsewhere in the book when this is required."[42] The injunction to memorize the names of over eighty spices, fruits, roots, and vegetables seems a large task for lay readers with an interest in improving their health. In the broader context of education in the Islamic world, however, in which orality and memorization of texts were mainstays of a student's cognitive demands, it does not seem unreasonable of al-Ṭūsī.[43]

The organization of al-Warrāq's cookbook, starting with chapters on the qualities of various ingredients toward the beginning of the book and moving into more elaborate recipes as the book goes on, suggests that the reader was supposed to familiarize him or herself with the contents of those early chapters on the humoral nature of foods before moving on. These early reference chapters are an indispensable key to understanding the rest of the text. The ubiquity of lists of ingredients in cookbooks and texts of *ʿilm al-bāh* provide the bulwark of my argument that a number of people besides medical practitioners in the medieval Islamicate world knew about, and wanted to read about, the humoral qualities of their foods, and needed to do so to understand and prepare aphrodisiac recipes.

Al-Warrāq's cookbook also includes many poems, in *qaṣīda* or *urjūza* form, which recap entire recipes in an almost didactic style and could have served as an aide-memoire to readers as well as kitchen workers,

41. There is a popular textual genre that physicians wrote for people without *access* to doctors (*man lā yaḥduruhū ʾl-ṭabīb*), like travelers, but I think that the impulse behind writing those texts was different from the idea that reading and knowing the content of a medical text enables people to forego consulting doctors entirely.

42. Newman, 100-101.

43. See Seyyed Hossein Nasr's essay, "Oral Transmission and the Book in Islamic Education," in Atiyeh, *The Book in the Islamic World*, 57-70.

potentially including the non-literate people among them.[44] These verses about recipes for non-alcoholic beer (*fuqqāʿ*), which the author said were composed by the prince al-Muʿtazz and recited to him by Abū ʾl-Ḥassan al-Kātib, list ingredients as well as the humoral properties or medical effects of the dish:

> Made of hearts of wheat, pure and cool like silver, redolent with tender aloe of Mandal.
>
> Such a fragrance, the soul yearns to have it. A taste so delicious like lovers' saliva, when kisses are exchanged.
>
> When poured into bottles, even the most proficient would think it was infused with sandalwood.
>
> Flavored with musk, *sukk*, and ambergris, mixed all together with essence of cloves.
>
> Such a drink would quench the heat (*al-maḥrūr*) before the meal, and like taranfal, it [would] make yellow bile recede (*yaqmaʿu li ʾl-ṣafrāʾ qamʿa ʾl-ṭaranfalī*).
>
> A cure for hangovers taken with ice, first thing in the morning or after a hurried meal.[45]

Note the cooling properties and the interaction of the recipe with the body's yellow bile. Al-Warrāq also included verses recited by Abū ʾl-Ḥassan al-Kātib of his own composition, which end with the following verse:

> Agonies of hangovers (*sawrāt al-khumār*) it will set to rest, and in heat and cold, yellow bile it will arrest (*yaqmaʿ li ʾl-ṣafraʾ fī ʾl-bard wa ʾl-ḥarr*).[46]

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44. The *urjūza* form is also used as a genre to ease memorization and learning for students more broadly in the Islamic world, from the rules of the recitation of the Quran to mathematics. As for medicine, Ibn Sina himself wrote an *urjūza* that was often copied and commented on by later physicians.

45. al-Warrāq, *Kitāb al-Ṭabīkh*, 300; *Annals*, 458. The person reciting these verses to al-Warrāq was his contemporary and also well known as a cook and cookbook writer—with the title Kushājim—as well as many other professions. His book on cooking is recommended by al-Ghazālī. See *Annals*, Appendix A, 533.

46. al-Warrāq, *Kitāb al-ṭabīkh*, 301; *Annals*, 459.

Though the recipes differ slightly, the physiological action of the beer is the same. Recalling al-Ṭūsī's lists of thirty-five foods and forty-nine simple remedies, which he expected his readers to commit to memory, we get a sense of the vast amount of information that a conscientious cook, physician, or pharmacist would have encountered and likely had to memorize. Demonstrating knowledge of humoral balance would have been beneficial to securing the trust of an ʿAbbāsid patron, especially since this cookbook suggests that a well-read or a gourmand patron like Ibrāhīm ibn al-Mahdī may have been expecting it after reading other cookbooks. The cognitive demand of memorization is one way to think about the plethora of poetry about food in addition to the literary reasons for their composition.

Knowledge about food also flowed from the oral to the written record. In addition to the twenty authorities whose texts al-Warrāq explicitly mentioned having had access to and other authorities whose works are otherwise known, Nawal Nasrallah lists ten figures whom al-Warrāq cited but who are not known to have authored books. Four of these figures are women, ranging from the wives and mothers of caliphs to the enslaved cook of Ibrahīm al-Mahdī (d. 839), Bidʿa.[47] Others may have been culinary staff, based on their titles: specifically a butler, vinegar-maker, and confectioner (al-Sharābī, al-Aḥwal, al-Ḥalwānī).[48] Nasrallah interprets this list of people as an indication of an oral culinary tradition behind the cookbooks, and David Waines comes to the same conclusion.[49] This kind of knowledge about food could have been one of many avenues for a diffusion of humoral theory about the body from Galenic medical writings in Greek and Syriac to the broader Islamicate society, even outside of literary networks between translators and their patrons.[50]

47. *Annals of the Caliph's Kitchen*, 18-19. The other three women are Umm al-Faḍl, wife of vizier Yaḥyā ibn Khālid al-Barmakī (d. 805); Būrān (d. 884), wife of Caliph al-Mā'mūn; and Umm Ḥakīm (d. 719), mother of the Umayyad Caliph 'Umar ibn 'Abd al-'Azīz. Al-Warrāq includes a lengthy story about Bid'a's preparation of beef stew (sikbāj) for the Caliph, including its recipe. It is indicated by one of the sources for the story that she was from Byzantium (249-52).

48. *Annals of the Caliph's Kitchen*, 17-20.

49. Waines, "Dietetics," 233.

50. For an exploration of the widespread diffusion of Greek medicine and the humoral understanding of the body in a society with an increasing Arabic-speaking

Comparing Recipes

Having established the continuity between the general content of aphrodisiac recipes in al-Warrāq's cookbook and contemporary medical texts, I return to the recipe itself as an epistemic genre embedded within both kinds of texts. I focus on the chickpea, because it was often mentioned by physicians at the top of the list of simple substances with aphrodisiac properties.[51]

Immediately following Ibn al-Jazzār's explanation for how to constitute aphrodisiac recipes, he wrote:

> A food which contains all three of these qualities is the chickpea, for it is hot, moist, generates a lot of wind and is very nourishing. This substance, by itself, generates semen, and does not necessitate another ingredient to accompany it.[52]

He included six aphrodisiac recipes at the end of this chapter, all of which

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elite, see Ahmed Ragab, *Prophetic Medicine: Medical Piety in medieval Islamic societies (*forthcoming from Columbia University Press).

51. In the aforementioned statement of al-Rāzī, we find the chickpea listed first as a substance with all the necessary qualities. This seems to have continued into texts by physicians on sexual health in the twelfth and thirteenth centuries. For example, 'Abd al-Raḥmān al-Shayzarī writes in the very first chapter of his treatise, *al-Īḍāḥ fī Asrār al-Nikāḥ*:

> As for an increase in sexual potency, this is achieved through food, drink and good exercise. One who desires this should know that there is no way around combining the following three qualities in food and medicine. The first is that it should be generative of thick winds. The second is that it should be very nutritious. The third is that it should match the nature (*ṭab'*) of semen. If a single food should happen to have these three qualities, then the desired result will come about, and if not then it is necessary to constitute a medicine by combining two or three or more [ingredients], and I will give you many examples which you can follow, Allah willing. Know that the chickpea contains all three of these qualities (19-20).

See also Bos, *Ibn al-Jazzār,* 29n85: "Chickpeas are already recommended by Rufus of Ephesus (Daremberg-Ruelle, *op. Cit.*, 322) and Galen (*De alimentorum facultatibus* I, 22, ed. Helmreich, 2484-9). It also features in the Arabic treatises on coitus mentioned before." Those treatises are Qusṭā bin Lūqā's *Kitāb fī 'l-bāh*, pseudo-Thābit bin Qurra's *Kitāb al-Dhakhīra*, and al-Kindī's *Kitāb al-bāh*.

52. Bos, *Ibn al-Jazzār,* 80.

he has "tested and approved of" himself (*jarrabnāhu wa ḥamadnāhu*), and three of which he composed himself.[53] A recipe typical of these is "an electuary which [he] has composed and which strengthens the potency, is beneficial for the soul, warms the body, expels flatulence from the stomach, removes cold from the kidneys and bladder, and increases one's memory," which he appropriately named a "security against all kinds of harm" (*maʾmūn al-ghawāʾil*). The recipe itself consists of seventeen main ingredients.[54]

This recipe, in other words, is not *solely* an aphrodisiac recipe; it is beneficial to health generally. Though the priorities of the physician and the cookbook writer are not the same, this is a clear parallel between the aphrodisiac recipes in both the cookbook and the medical text. The aphrodisiac effect of the recipe is merely one among a list of other physiological effects. For example, a recipe for a chickpea drink (*sharāb al-ḥimmaṣ*) from al-Warrāq's cookbook claims to warm up the stomach and kidneys, expel viscous excretions (*fuḍūl ghalīza*), and invigorate coitus.[55] These recipes may also be compared to a recipe for stomach health from the pharmacopeia of Ibn Tilmīdh, a hospital's head physician in the twelfth century, which "loosens the belly and chases flatus away; it is useful against foul smells, hemorrhoidal cramps, pain in the hip and pelvic bones, and colic; and it increases sexual potency."[56] Such recipes reflect the unremarkable nature of aphrodisiacs in the medical literature; the reader regularly comes upon recipes claiming to improve their digestion and sex life at the same time. Further, they are all structurally the same and require the reader to memorize a long list of ingredients—or to have a copy of the book on hand (in the case of Ibn al-Jazzār's *Zād al-musāfir*, seven volumes).

The chickpea, *ḥimmaṣ*, may seem too ordinary to have carried such

53. Bos, 84 for Arabic, 244 for translation.

54. Bos, 87 for Arabic, 247 for translation.

55. *Annals of the Caliph's Kitchen*, 475. See also the description of asparagus, above.

56. Oliver Kahl, *The Dispensatory of Ibn Tilmīdh: Arabic Text, English Translation, Study and Glossaries*, Islamic Philosophy, Theology and Science; 70 (Leiden: Brill, 2009), 224. The pharmacopoeia of Sābūr bin Sahl (d. 869) was modified and used in the ʿAḍudī Hospital until the 12th century, when it was finally replaced by that of ibn Tilmīdh. A similar pattern can be observed in both texts.

potent aphrodisiac properties. Chickpeas of some form have clearly been part of the Mediterranean and Levantine diet for a long time; there are archaeological traces of chickpea cultivation in the Near East from the seventh millennium BCE, as well as abundant evidence of it from the Bronze Era to classical times.[57] As chickpeas travelled east and west, both materially and as textual objects within the Galenic, humoral system of medicine, they retained prominence within culinary and medical recipes; this would be a fruitful area for future comparative historical work.[58]

57. Daniel Zohary and Maria Hopf, *Domestication of Plants in the Old World: The Origin and Spread of Cultivated Plants in West Asia, Europe, and the Nile Valley*, 3rd ed. (Oxford: Oxford University Press, 2000), 111.

58. A Chinese dietary medical text of the Mongol Era, *Yinshan Zhengyao*, may have drawn from contemporary Arabic cookbooks, which may have been an inspiration for this genre in Chinese. See Paul Buell and Eugene Anderson, *A Soup for the Qan: Chinese Dietary Medicine of the Mongol Era as Seen in Hu Sihui's* Yenshan Zhengyao*: Intoduction, Translation, Commentary, and Chinese Text* (Leiden: Brill, 2010), 77-78. The editors identified forty-nine Turkic, Persian, and Arabic words in the text, mostly recent borrowings (see 106-13) and compiled a list of materia medica from the Islamic world (113-16). The author of the dietary text, Hu Sihui, refers to chickpeas as "Muslim Beans," mentioning among their other properties, that they come from Muslim areas, but "today they are found here and there among fields and waste lands" (491). Eggs and onions are listed in the *Yinshan Zhengyao* as aphrodisiacs, but chickpeas are mainly recommended for healing sores and, strangely, as an abortifacient (123). Additionally, more than half of the Mongolian recipes in the text are thickened with skinned and pulverized chickpeas, and a recipe like this is even found in the sixteenth-century chronicle from Akbar's court, the *Ain-e-Akbari*. The chickpea's movement west, at least as a literary object, is evidenced by a series of sixteenth- and seventeenth-century English texts which recommend chickpeas, or "ciche pease," as aphrodisiacs. *A Nievve Herball*, Henry Lyte's 1578 English version of Rembert Dodoens, *Cruydeboeck* (1563), includes illustrations and a general description of the chickpea plant, stating that its nature "is hoate and drie in the first degree" (478-79). Another herbal, *Theatrum botanicum* (1640), by John Parkinson (d. 1650) states that the chickpea is called in "Latine *Cicer,* of the *Arabians Chemps Hamos,* or *Alhamos* ...and we in *English* Cicers, Ciches, Rammes Ciches, and Ciche Pease." He cites Galen, saying that chickpeas "are no lesse windy meate than Beanes, but yet nourish more, they provoke venery, and is thought to, increase sperme, and therefore they give it their stalion horses" (1066-67). *Erotomania*, Edmund Chilmead's translation of Jacques Ferrand's *Traité de l'essence et guérison de l'amour*, published in 1640, advises a lovesick patient to "abstaine also from all meats that are very Nutritive, Hot, Flatulent, and Melancholy" and includes last among the list "Ciche pease,

The determination of which substances had aphrodisiac properties in medical and culinary discourses was a discussion full of ordinary items. The items' association with sex in a medical context did not change their other cultural associations. For example, in the discourse of belles-lettres (*adab*), the cooked chickpea and the bean "stand for grief and sorrow," because of their associations with poor people.[59] However, within medical discourses, many foods were simultaneously ordinary and sexy. These foods became embedded in instructions written by physicians and other authors to teach lay readers how to regulate their own health — a subject deemed vital by many writers on sex, from a philosopher-physician like al-Rāzī to a litterateur like al-Warrāq.

Implications for the History of Sexuality

It will by now be clear that medieval medical and literary texts in the Islamicate world were unequivocal in encouraging men to have sex (with women) through aphrodisiac recipes. I did not find comparable evidence of aphrodisiac recipes addressed *specifically* to women. Some texts of *ʿilm al-bāh,* like the one by twelfth-century legal and medical writer al-Shayzarī, devoted half of the text to men and the other half to women.

(which *Pliny* for this reason calls, *venerea)* and all such like meats" (248). Curiously, though the humoral understanding here of the chickpea is different from the hot and moist properties ascribed to it in the Arabic texts cited above, these texts preserve the notion of the chickpea as a substance that generates semen. I was unable to discover where the divergence in the humoral understanding of the chickpea originally occurs between the Arabic and Latin traditions.

59. van Gelder, *Of Dishes and Discourse*, 99 and 120. For his remarks on the poetry in Ibn Sayyār's al-Warrāq's cookbook, as well as the rhyming titles, see 64-68. Van Gelder notes that sex and foodare referred to in classical Arabic literature by epithets like "the two good things (*al-aṭyabān*)" or "the two pleasures (*al-shahwatayn*)" (109). Further, van Gelder says, "just as some foodstuffs have an aphrodisiac effect, so literary descriptions of rich food may act as a stimulant preparing scenes of love and lust," an aspect of the cookbook that bears further exploration by scholars of literature. As Claire Savina suggested to me at the conference, just as writers trying to educate may have incidentally titillated their audiences, writers aiming to titillate may have incidentally or—more likely—consciously educated their audiences on medical matters.

He explains:

> Since we described, in the first half of the book, the secrets of men that increase their potency and strengthen their sexual virility, including foods, medicines, purgatives, powders and others, I saw it fit to describe in this section something of the secrets of women that will invite [one] to have sex with them, make mandatory an inclination toward them, and make them beloved to their husbands, including blushes, dyes, and medicaments that increase fat, among other [secrets], in the chapters that follow.[60]

As seen in the passage above, the recipes for women's bodies were actually *for men:* for enhancing male pleasure. One recipe for medicated tampons or pastes to tighten the vulva is even included in Ibn Sīna's famous *al-Qānūn fī 'l-ṭibb*, and similar recipes appeared in great numbers in many texts of *'ilm al-bāh*.[61] However, alongside recipes to tighten the vulva some texts included recipes to enlarge the penis, and these recipes for pastes to be rubbed on the penis were explicitly meant to increase the woman's pleasure. One such medicament is advertised in al-Shayzarī's text as "a recipe for a medicine that causes indescribable pleasure, so that a woman comes close to passing out from the intensity of pleasure."[62] Thus, much writing in the genre of *'ilm al-bāh* is androcentric: female pleasure is important, but is mainly discussed in the context of the penis. Female pleasure is not a source of anxiety for the authors, so they do not seek to control, enhance, or minimize it, outside of incidental enhancement during heterosexual, penetrative intercourse.

However, this encouragement of sexual desire in *'ilm al-bāh* and in medical texts does not necessarily imply that all contemporary works on sex in other genres take the same stance. For example, al-Rāzī spoke of both the benefits and harms of sex in his medical work for people of

60. al-Shayzarī, *al-Īḍāḥ fī asrār al-nisā',* 95.

61. Avicenna, 980-1037, *Kitāb al-Qānūn fī al-ṭibb* (Rome: In Typographia medicae, 1593), 862; OL 20620.2F* انيس نبا .باتك الاقونان يف الطب. Houghton Library, Harvard University, Cambridge, MA, http://nrs.harvard.edu/urn-3:FHCL.HOUGH:3106833.

62. al-Shayzarī, 72; see also "Chapter Seven On Medicines that Enlarge the Penis and Stiffen It," 75-78.

different ages and humoral temperaments, but in his texts of philosophy he forbade sex outright.[63] Rather than labeling this as "contradictory," I recognize that authors are both influenced and constrained by the norms of the literary genre within which they write. Thus, I do not consider the coexisting normative discourses about sexuality "contradictory," though legal, philosophical, medical, and literary texts often contained different values. Though contemporary scholars have developed sophisticated ways of thinking about these discourses, European-language writing about sexuality in the Middle East in the last few centuries over-emphasized the licentiousness or "depravity" they found in Arabic literature. Though this trope persists, much European-language media has recently focused on the severity of punishments they find within normative Islamic legal texts.[64] Too often, the normative discourses in both literary and legal texts have been read as reliable sources for social history. A famous example of this would be the problematic translation history of a specialized treatise about sex by al-Nafzāwī, *al-Rawḍ al-ʿāṭir fī nuzhat al-khāṭir* (The Perfumed Garden of Sensual Delight).[65] Because of the way scholars have associated sexuality with extremes in the Islamicate world—whether the extremity of openness or of conservatism—the everyday, ordinary and non-titillating aspects

63. Pormann, "Al-Razi (d.925) on the Benefits of Sex."

64. For a nuanced overview and debunking of elements of this problematic historiography, see Dror Ze'evi, *Producing Desire: Changing Sexual Discourse in the Ottoman Middle East 1500-1900* (Berkeley: University of California Press, 2006). Ze'evi also reflects on a methodology that enables the historian to "look at practices in the light of discussions of sex: at questions that bothered authors, at power relations that made sense or nonsense of sexual preferences, and at the sets of belief that permitted certain things and prohibited others" (6). He relies on the concept of "scripts," as formulated by John Gagnon: "a metaphor for the internal and external blueprints in our minds for sexual quest and sexual actions." He says that just as now there are a proliferation of rival scripts, "there was never a completely unified view of sexuality" (10).

65. See Jim Colville, trans., *The Perfumed Garden of Sensual Delight,* Routledge Arabia Library 7 (London: Kegan Paul International, 1999), vii-xiii. For an insightful treatment of this text, see François Zabbal, Brigitte Foulon, Kata Keresztely, Sylvette Larzul, Claire Savina, Hafedh Gouiaa, and Frédéric Lagrange. "Le jardin parfumé et autres plaisirs des ens." *Qantara: magazine des cultures arabe et méditerranéenne* 98 (2015): 25-56.

of sexuality in the Islamic world have been overlooked. This everyday sexuality, of course, includes the regulation of diet in the context of sexual health. From Abu Bakr al-Rāzī's (d. 925) *al-Kitāb fī 'l-Bāh* to Ibn Sayyār al-Warrāq's *Kitāb al-Ṭabīkh,* texts of multiple genres—and their most ordinary details—can help us refine and redefine the body of scholarship on the history of sexuality in the Islamicate world, if we know how to follow their recipes.

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BOOK REVIEWS

"Ubi et est habitatio sororum et mansio fratrum": Doppelklöster und ähnliche Klostergemeinschaften im mittelalterichen Österreich (Diözese Passau in den Ausdehnungen des 13. Jahrhunderts), by Christiane Ulrike Kurz. Kiel: Solivagus Verlag, 2015. Pp. 298; 48 ill. ISBN: 9783943025194.

In recent years, numerous scholars, among them Sherri Franks Johnson, Franz Josef Felten, and Christine Kleinjung, have drawn attention to the potential for flexibility in the form taken by religious communities and lability in the vocabulary applied to them. This represents a shift away from the still-influential work of Herbert Grundmann on medieval religious movements and from historiographical tendencies to focus on single orders. Christiana Ulrike Kurz's survey of mixed-gender religious houses in the long thirteenth century provides further evidence of variation in forms of observance among religious orders and over time within single communities. Her painstaking work compiling primary sources—both edited and unedited—has in multiple cases illuminated hitherto neglected histories of religious women.

Kurz's bibliography does not reflect the rich recent work on this complex subject, however. Grundmann is included; Felten and Kleinjung are not. Its thirty pages, almost entirely devoted to German-language titles, represent valuable work in uniting small-scale studies and taking advantage of the work of antiquarians. Kaspar Elm and Michel Parisse's anthology on mixed-gender religious communities is one of the few titles offering a synthesizing theoretical framework. Omitting recent work on women's religious communities seems a lost opportunity. A modification to the apparatus, adding a chronology of episcopal interventions or of the first evidence for the existence of the communities surveyed, would have been a valuable addition.

One of the strengths of the book is its use of diverse types of source. Kurz makes extensive use of archaeological material, although baroque modifications to monastic complexes render this challenging, as she acknowledges. Kurz points out as a benefit that the arrangements for the women in *Doppelklöster* are often

described in detail; the implication that, at least in the diocese of Passau, the layout of the men's living arrangements was viewed as the default is an intriguing one. The presence of diverse workshops and gardens suggests that economic cooperation was the norm for vowed men and women in mixed-gender communities. The artistic sources are beautifully reproduced, and Kurz's art historical training is evident in her attentive treatment of them.

The extent of Kurz's treatment of individual houses varies widely, in proportion with the quantities of surviving textual sources. Still, she gives an introductory *précis* on the place of women and mixed-gender houses for each of the seven orders under consideration: Augustinian, Premonstratensian, Holy Ghost, Benedictine, Dominican, Franciscan/Clarissan, and Cistercian. These provide valuable perspective, both historic and historiographic. Augustinian houses account for almost half the length of the catalogue that makes up the bulk of the book, and the house of Klosterneuburg alone for a quarter of it. Kurz addresses the difficulties of evaluating the vocabulary for religious women directly in her evaluation of the Augustinian houses of Suben and Waldhausen. Elsewhere, however, peculiarities are not remarked on, as in the case of Klosterneuburg. The women are *canonicarum* in the 1253 papal letter, but *moniales* in a 1307 episcopal letter. Both of these documents are mentioned on multiple occasions, but not reproduced, which is surprising given the format of the monograph. I would have appreciated seeing the vocabulary for religious women displayed visually in the apparatus, not least because the meaning of terms such as *inclusae* could vary situationally, as Letha Böhringer and others have shown.

In the not infrequent instances of labile or uncertain association of men and women within religious communities, Kurz has done painstaking work in seeking out available sources. This is particularly notable for Benedictine houses, where the late medieval cooperation of men and women was rare and has been more rarely still acknowledged in scholarship. In the case of Melk, for instance, she notes that an early modern image shows a space for women's enclosure within the monastery complex, despite the absence of late medieval textual evidence for such a community. A devotional manuscript from Seittenstetten, showing male and female religious in positions of parallel importance, provides one of the few pieces of evidence for cooperation in that community. For Dominican houses in Vienna, and the Cistercian nunnery of Heiligenkreuz in the same city, Kurz demonstrates that the existence of mixed-gender communities is a chimera created by historiographical carelessness.

As Kurz notes in her introduction, particular problems attend attempts to research and reconstruct mixed-gender forms of the religious life. No single

term for mixed-gender religious houses existed in medieval law or custom. Kurz addresses the fraught history of the term *Doppelkloster*, as well as institutions covered by it. The parameters she herself sets for such houses are thought provoking and raise a number of interesting questions. She defines "true double houses" (*echte Doppelklöster*) as following the same rule, while with separate living quarters for the male and female religious. I would have appreciated seeing more of Kurz's analysis of what sharing the religious life entailed for the communities under consideration. In several cases, she demonstrates that supposed mixed-gender communities are in fact historiographical chimeras.

Kurz might be too ready to take sources at face value in describing conflict as internal rather than a rhetorical fiction of external authorities, as in the case of the Dominican house of Tulln, or the Augustinian house of Ranshofen. In the latter case, the bestowal of archiepiscopal statutes on the women's community in 1296 is assumed to be a refounding of a house that had disintegrated, rather than an attempt at centralizing control over observance. This is especially remarkable in view of the statutes' vocabulary, typical of reform movements. The Latin phrase *de novo* is frequently enough used concerning renovation—architectural or spiritual—that I think it is desirable to at least address this alternate possibility. Kurz does not quote sources *in extenso,* which somewhat hampers the reader's ability to evaluate her interpretations. Several intriguing phenomena, moreover, are left unexamined for possible patterns. The work of Elizabeth Makowski and Heidi Febert would have been valuable in evaluating the impact of changes in law on mixed-gender communities. Hospitals and care for the sick are mentioned in connection with the houses of multiple orders, but not analyzed. Kurz's work is most valuable where it unites scattered and fragmentary sources to illuminate the history of small houses. This she does for each of the orders evaluated. Kurz describes her methods as especially useful to researchers undertaking projects focusing on single houses, but her rich results should also inspire more comparative research and analysis. As a whole, the monograph both provides valuable groundwork for further study, and illustrates how much is still unknown—or taken for granted—about the histories of late medieval religious women.

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Empress Adelheid and Countess Matilda: Medieval Female Rulership and the Foundations of European Society, by Penelope Nash. Queenship and Power. New York: Palgrave Macmillan, 2017. Pp. xxxii+292. ISBN: 9781137590886.

This is a much-needed book and a topic that is so very attractive. Who has not wanted to read a good biography of Matilda of Tuscany? Or to know more about how Adelheid, Queen of Italy, managed to take her huge Italian inheritance to Otto I and become Empress Adelheid? One emerges from its reading to at last understand (or at least know where to turn for) the formal relationships among the three dominae imperiales: Empresses Adelheid and Theophanu and Abbess Matilda of Quedlinburg, who were joint regents for Otto III, and to be assured that the life of Matilda of Tuscany extended well beyond an encounter with Henry IV and Gregory VII at Canossa.

Penelope Nash compares each woman's accomplishments in roles once too easily assigned only to men. We see her mapping the diplomata for Empress and Countess alike to show the reach of their respective authorities. She consults the various lives and chronicles for evidence of their rule, of their military accomplishments, of their reorientation of itineraries, and for their participation in the rule of minors. She shows the battles won against political opponents. Overall, she concentrates on an enumeration of all such things that are associated with male rule.

But that is a very old-fashioned way to approach the question of women ruling. A more balanced account might look as well at how these women rulers exercised the rule so often associated with males along with more commonly accepted female roles—for instance, the concerns about religion and memory evoked so well by Elisabeth van Houts. She might have looked at how religious bequests could be used strategically to enhance power, as Erin Jordan has done for the countesses of Flanders. Indeed, to describe the Empress Adelheid sharing a regency with her daughter Matilda, abbess of Quedlinburg, and with Theophanu, should lead to some discussion of the relationship of two Empresses with important houses of nuns, like Quedlinburg, Gandersheim, and Essen, which were important centers of learning, book production, and scholarly activities as well as impressive artistic production. The difficulties of Hrotsvita of Gandersheim in writing a history of Otto I are referred to, but not the question of whether the Annales of Quedlinburg was indeed (as is now thought) written by a nun, or why the history of Edith, Adelheid's predecessor as wife of Otto I, should be sought out by an abbess of Essen.

In fact Nash's examination of such formal remains of power as coins or diplomata has not pushed the boundaries very far. She points to pennies that bear Adelheid's name on one side and Otto's on the other, but does not ask how many of these coins survive. Did they circulate widely, as published hoards might tell us? What is their relationship (in terms of such things as weight and fineness) to earlier Carolingian issues? Where were they minted, and was there a crisis or a celebration that occasioned their issue, or simply new silver finds?

Similarly, in counting diplomata, their dates, and place of issue, Nash does an excellent job of tracing variations in how these two women are referenced in the charters but does not describe who was writing the charters making these references. Did these women have their own scribes, separate from those of their consorts? Did they always use the same formulae for dating, sealing, and composition of text, or did these vary from those of her husband in Adelheid's case, or according to place and date in Matilda's? What was the quality and size of parchments when they survive, and did they vary from those issued by kings? A much more detailed analysis of the diplomata could have considered religious aspects of these acts, whether bequests at the moment of their own or some loved one's death, stays at religious houses and the consequent gifts, or support for or commissioning of reliquaries and textiles (that might survive) for the churches they patronized. To show that women ruled does not require effacing all other aspects of their lives, even if those other aspects have too often been seen as separate women's work.

The framing of the study itself is more problematic and will give pause to many of the readers of this journal. It opens by presenting a paradigm that appears to spring from a time-warp where the opinions of Georges Duby, David Herlihy, and R. W. Southern still hold sway. That so-called paradigm has now been overturned and has been so for a long time. The author should have been cognizant of that because many of the authors cited in the bibliography have participated in that revolution. It is an insult to feminist readers to present "the paradigm" as if still alive and to waffle about what its conclusions tell us about a long-dead paradigm. Indeed, this journal has recently published a series of conference papers from sessions called "Beyond Women and Power," organized with the hope that we did not have to fight or even present that paradigm any longer. There is indeed so much out there, including in the pages of this journal, suggesting that such a battle is over.

Nevertheless, this is a wonderful book to have on your shelf, if for no other reason than the carefully outlined family trees that connect the stories of two famous women, the detailed chronologies for each, and a note on names: "The

following table lists those people whose names are apt to be confused." This last can be a lifesaver when attempting to write about Quedlinburg or Gandersheim or any other Ottonian topic. What a clever thing to provide right at the outset! I wish I'd had it several months ago when I was writing about Ottonian nuns, whose powerful female patrons cannot be left out of the study.

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Reading the Bible in the Middle Ages. Edited by Jinty Nelson and Damien Kempf. Studies in Early Medieval History 6. London: Bloomsbury, 2015. Pp. 284. ISBN: 9781474245722.

This interesting and varied collection takes as its central focus the concept of the Bible as understood by different audiences, both secular and clerical, primarily during the eleventh and twelfth centuries in Northern Europe, conjoined with theoretical and pragmatic approaches to reading. The sixth published volume in Bloomsbury Academic's Studies in Early Medieval History series, the present volume has its origins in a day-long conference at the University of Liverpool in 2011, "Bibles: Reading Scriptures from Medieval to Early Modern," which focused on Bible reading and hearing in particular locations and contexts. The editors acknowledge that the "patchiness" of the volume's contents are shaped by the conference program's favoring broader implications for religious practice rather than comprehensiveness of coverage as well as by the availability of contributors. Typical of thematic collections, the individual contributions here are loosely connected by way of the governing topic and provide self-contained analysis and insight rather than seeking a sequential or unified whole. Eight essays, by historians affiliated with the Universities of Cambridge, Utrecht, Liverpool, and elsewhere, cover a range of topics engaging with the availability, dissemination, reception, interpretation, and controversies surrounding the uses of Scripture.

A brief Introduction by volume editors Jinty Nelson (Kings College London) and Damien Kempf (University of Liverpool) provides an overview of the topical threads and identifies the individual contributions in relation to the framing subjects, noting that the volume retains a broad spatial coverage (Post-Roman Latin Christendom, Italy, and the Carolingian world of France and Germany, plus the Anglo-Norman realm as well as the broader European culture of various schools), and that its contributors draw on expertise in various disciplines, in service to the overarching theme of Bible readings, hearings, understandings, and interpretations in religious, social, and political practice. The general goal of the contributions is to investigate "who exactly medieval readers were, and how they read," with findings that are, as the editors note, "predictably diverse" (2), though all offer examples of readings and readers of biblical texts drawing on Gregory's *Moralia in Job* and Bede's citations and commentaries. Owing to the Bible's elastic confines and fragmented availability, most readers and auditors of biblical texts, the editors remind us, were reading and listening to selections, excerpts chosen to fulfill a particular ideological, theological, or didactic purpose.

The first contribution, Cornelia Linde's "Twelfth-Century Notions of the Canon of the Bible," provides a useful contextual grounding for the volume as a whole, tracing the controversies surrounding the concept of "canon" and the problematics of inclusion and exclusion of biblical books fueled by ideology, theology, and other motives of those attempting to solidify the Bible's contents and structure. Noting that the fixed canon of the Latin Bible wasn't established until a decree at the Council of Florence in 1442 determined a binding table of contents, for the first time, for the whole of Catholic Christendom, Linde remarks that despite what was, in many respects, a stable, recognized canon of contents, theologians considered matters of inclusion, as well as the ordering of contents, subject to discussion and debate. Contextualizing attitudes towards canonical elasticity on the part of the Church Fathers and other early authorities, Jerome's and Augustine's views in particular, Linde traces the contrasting approaches and methodologies of Hugh of St. Victor and Robert of Melun, two prominent twelfth-century scholars—the former indebted to Jerome's structuring and inclusion of deuterocanonical material, and the latter attempting to integrate Jerome's and Augustine's views of the biblical canon—providing documentary evidence of ongoing issues regarding authenticity and structure and ensuring that the Bible's specific contents be subjected to subsequent ongoing discussion.

Several contributions stand out for their insightful analyses and potential relevance for feminist medievalists: Jinty Nelson's "Lay Readers of the Bible in the Carolingian Ninth Century" considers, among others, the laywoman Dhuoda (late ninth century), author of the *Handbook*, a moral guidebook written for her son citing numerous biblical texts, which, Nelson notes, includes over two hundred references to the Psalms as well as quotes from all books with the exception of a few, mostly minor, prophets, in the commonly recognized Vulgate Bible. Building upon the work of Rosamond McKitterick, Nelson characterizes laypersons as both readers and writers having their own integrity and purpose in the messages they hoped to project. Florian Hartmann's "'*Quid nobis cum allegoria*?' The Literal Reading of the Bible in the era of the Investiture Conflict" considers how the late eleventh-century controversy between the popes and the German king affected the Empire and how selective biblical citation and interpretation could be used to propagandistic, even violent, ends. Violence in relation to the reception and interpretation of biblical texts, and its relevance to the construction of political power, is likewise taken up in the volume's closing essay, Claire Weeda's "Violence, Control, Prophecy and Power in Twelfth-Century France and Germany."

In a recent review essay, "Feminism and Medieval Studies: Moving Forward," published in *Exemplaria* 26 (2014), E. Jane Burns assesses the status of feminism as critical practice in relation to medieval studies. Noting that, as Monique Wittig observed in the 1970s, the goal of feminism was in effect to make itself obsolete, Burns observes that, for many academics, feminism's goals were ostensibly reached and its centrality rendered obsolete due to its success in the 1980s and 1990s. Disagreeing with the assumption that feminism's highly visible role in knowledge production during the '80s and '90s peak has rendered it obsolete, Burns aptly argues that feminism's place in medieval studies has shifted and that it has moved outward "from the central locus it once occupied to inhabit a broader band of diverse sites that it has penetrated more deeply" (291). Certainly, the present volume cannot be reasonably characterized as feminist scholarship, nor as having overtly feminist contributions or aims. But it purposefully raises more questions than it seeks to answer, and, as a launching point for further consideration and development of feminist approaches to medieval scholarship related to religion and textuality in particular, the present volume is illustrative of such "diverse sites," receptive to such approaches, and demonstrative of their potentialities. The present volume offers much to engage readers with interests in medieval history, religious studies, and textual dissemination and reception, which, while not overtly feminist in approach, constitutes insightful material of potential utility to feminist scholars in these fields.

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Textiles, Text, and Intertext: Essays in Honour of Gale R. Owen-Crocker. Edited by Maren Clegg Hyer and Jill Frederick. Woodbridge: Boydell Press, 2016. Pp. 265. ISBN: 9781783270736.

The essays in *Textiles, Text, and Intertext* celebrate the work of Gale R. Owen-Crocker, on the occasion of her retirement as Professor of Anglo-Saxon Culture at the University of Manchester and Director of the Manchester Centre for Anglo-Saxon Studies. Few people studying early English material culture have not consulted Dr. Owen-Crocker's work, particularly her magisterial *Dress in Anglo-Saxon England*, first published in 1986, which, as Maren Clegg Hyer states in her introduction, "altered the trajectory of costume history, material culture research, and Anglo-Saxon studies" (2). Now in its second printing, this book remains notable for its interdisciplinary approach to textiles, combining archaeology, manuscript studies, and gender history. In addition to her pioneering work on textiles, which includes founding DISTAFF (www.distaff.org), a process her co-founder Robin Netherton outlines in a personal reminiscence, Owen-Crocker has contributed extensively to other areas of Anglo-Saxon history, namely the study of Old English poetry and women's work.

To reflect her diverse research interests, the editors have divided the eleven essays into three sections: Dress, Text, and Intertext. The first five chapters make up the section on Dress, the first two chapters of which pay particular attention to language. Louise Sylvester, who, along with Owen-Crocker, co-directed the production of a searchable database of dress and textile terminology, here catalogues textiles from Old English wills, demonstrating the highly developed vocabulary that existed for clothing and hangings. She also traces the evolution of this vocabulary in documents of the post-Conquest period and argues for a "relexification" of English textile terms in favor of Anglo-French ones. Elizabeth Coatsworth, Owen-Crocker's co-director for the Manchester Medieval Textiles Project, examines several Latin terms for embroidery that appear in A. G. I. Christie's *English Medieval Embroidery* (1938). With the aid of several extraordinarily helpful diagrams, she attempts the complex task of matching the Latin terms to the techniques themselves.

The subsequent two chapters deal specifically with the Bayeux Tapestry, a subject on which Owen-Crocker has written some of her most innovative work, both in terms of technical analysis and symbolic interpretation. In keeping with the latter, Michael John Lewis studies dress in the Bayeux Tapestry as "examples of the designer's narrative strategies" (70). He considers how the designer, following a tradition of insular manuscript illustrations, used attributes

such as jewelry, cloaks, and embroidered bands, to identify particular characters according to status and position. Carol Neuman de Vegvar focuses particularly on the Tapestry's depictions of magpies, birds associated with negative qualities such as thoughtless chatter and pride. She considers the relationship between magpies and Harold Godwinson and makes a strong case that the designer of the Tapestry critiques Harold's leadership through the deliberate positioning of magpies around crucial scenes.

In the final chapter of the section, Christina Lee asks some fascinating questions about the role of women and the healing process. She uses examples from medical books such as *Bald's Leechbook* to demonstrate how thread and cloth, and thus women's work, would have been a necessary implement for straining and sifting medicinal ingredients as well as for the application of medicine and the stitching and binding of wounds.

The next section, Text, begins with a chapter by Maren Clegg Hyer that establishes the theme for the rest of the book. She evocatively describes how the physical process of weaving, which involves joining diverse threads into a single creation, works as a perfect metaphor for the composition of narrative. This process, she argues, would have been familiar to anyone living in a preindustrial world, and relevant metaphors run through ancient and medieval texts. Here, she specifically focuses on Aldhelm, who, as she demonstrates, not only contributed to this tradition, but also bequeathed it to later admirers, particularly those writing to and on behalf of women.

Marilina Cesario's article in the same section explores this exact process of weaving narratives, through a consideration of the *Anglo-Saxon Chronicle's* entry for 793, famously describing the sack of Lindisfarne by the Vikings and the accompanying omens. She argues for a literal rather than allegorical interpretation of the annal's depiction of fiery dragons in the sky and suggests that the writer was working with multiple traditions regarding astronomical observation. Jill Frederick also considers the complex ideas represented in a familiar text, in this case, the "textile-riddles" of the Exeter Book. Going beyond traditional technical analysis, she addresses how both feminine and masculine imagery intersect and complement each other in the riddles. In the last chapter in the section, Donald Scragg, inspired by Owen-Crocker's work on borders, discusses the thousands of writings visible in the margins of Old English manuscripts.

The five authors of the third part of the book, Intertext, ask readers to approach Anglo-Saxon sources as tapestries—that is, as a dense amalgam of image, language, object, and story. Catherine E. Karkov examines the Ruthwell Cross, an eighth-century carved stone cross that combined color, texture, image, and

language to create multiple narratives for both the literate and the nonliterate onlooker. Paul E. Szarmach utilizes interdisciplinary scholarship on the *Dream of the Rood* to approach another text from the Vercelli Book, Cynewulf's *Fates of the Apostles*. He examines contemporary insular representations of the apostles in sculpture and manuscript to make the case that Cynewulf modeled his written depiction on panel paintings. Joyce Hill examines the interwoven authorial traditions, including patristic and Carolingian writers, of two of Aelfric's homilies and demonstrates how Aelfric implemented his sources in a process Hill terms "textual interweaving" (213). Elaine Treharne's chapter on "Invisible Things" draws inspiration from Owen-Crocker's many efforts to highlight the hidden hands behind material objects. In this case, Treharne strives to make "textually and contextually visible" the Southwick Codex of British Cotton Vitellius A. xv (which also contains the eleventh-century *Beowulf* manuscript). By examining the scribal hand, which she describes as "a very conscious and venerative imitation" (235), Treharne challenges the traditional dating of the mid-twelfth century and argues for a later date between 1160 and 1175. The final chapter, by Martin Foys, considers "the weaving of historical truth," practiced by historians, in particular the author of the *Vita Haroldi*, an early thirteenth-century life of Harold Godwinson and William of Malmesbury. Their narratives conflict about the death of Harold, who, the author of the *Vita* insists, did not die at Hastings, but lived to become a hermit.

It is a fitting tribute to Owen-Crocker's intellectual diversity that this book offers rich resources for every scholar of Anglo-Saxon England—textile historians, certainly, but also archaeologists, philologists, art historians, literary scholars, and paleographers. The authors of these essays not only illuminate many of the untapped resources that still exist for English history, but also compellingly demonstrate that familiar sources can still yield surprises.

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England in Europe: English Royal Women and Literary Patronage, c.1000–c.1150, by Elizabeth M. Tyler. Toronto: University of Toronto Press, 2017. Pp. 464. ISBN: Hardcover, 9781442640726; ePub, 9781487513382; PDF, 9781442685956.

Elizabeth Tyler's long-awaited *England in Europe* redefines our understandings of eleventh-century European literature. This startling, nuanced, and wide-ranging work mixes gender and geography, language and genre, to argue that medieval studies must "radically revise our established understandings of eleventh-century English literature by including women and changing our chronological and geographical parameters" (5). Tyler's primary evidence comes from two texts, the *Encomium Emmae Reginae* (hereafter *EER*) and the *Vita Ædwardi Regis* (hereafter *VER*), but her conclusions will affect our understanding of all of European literary history in the eleventh and twelfth centuries.

Tyler contextualizes her close analysis with the notable point that scholars of medieval England have traditionally ignored the *EER* and *VER* as "texts written by foreigners for women" (9), and thus somehow not worthy of critical regard. She places both texts in what she terms the "Roman story world," the set of classical allusions and themes useful for medieval aristocrats engaged in the building of dynastic origins. Latin functioned as the language of this world as well as the bridge among all the vernaculars at northern European courts. Latinate, literate, and multilingual, aristocratic women moved between nations in marriage alliances and then patronized literature in their new environments. Tyler's focus on these women redefines the conversation about eleventh- and twelfth-century literature from narrow, nationalized literary history to pan-European cultural discourse directed by powerful women. In Tyler's paradigm, English dowager queens Emma and Edith become emblematic of the women creating a pan-European literary culture.

Chapter 1 uses the Old English Boethius, Old English Orosius, the *Anglo-Saxon Chronicle*, *Apollonius of Tyre*, and the *Letter of Alexander to Aristotle* to "illustrate the centrality of the Roman story world to written secular literary culture" (18). After defining the ways that Anglo-Saxon England was thus "on the cutting edge of the latest developments in continental Latin literature" (49), Tyler proceeds to detailed analysis of the *EER* and *VER* and the social, political, and cultural implications of those texts for the English and other northern European courts.

Tyler does not avoid accusations of the *EER*'s historical inaccuracy (indeed, she refers to the text's "fact-free account" of many of the events surrounding

Cnut's ascent to the English throne) but instead interrogates "the Encomiast's improvised and often confused though never unsophisticated exploration of the boundary between history and fiction" (99). Throughout, Tyler emphasizes the centrality of the aristocratic female patron as a shaper of the text and its cultural purposes; Emma's multilingual, multimarital, and multiloyaltied presence creates the text and asserts her power along with her version of events. Tyler's intricate close reading connects the *EER* to Virgil and Ovid, ultimately arguing persuasively for Emma as a figure of Augustus, the imperial patron of the *Aeneid*, and dismissing previous understandings of this dowager queen as a passive recipient of the text.

Similarly, the *VER* provides for its female, royal patron a distinctively inaccurate version of the events of Edward's life and death; the *VER* ignores the Norman Conquest entirely and attempts to gloss over what Tyler reads as Queen Edith's precarious situation at Wilton Abbey post-1066. Throughout, Tyler sees Edith to be an active agent in the creation of the text; like Emma, Edith was a multilingual, highly literate, and deeply engaged patron.

In her analysis of the *VER*, Tyler focuses almost exclusively on the poems that punctuate this prosimetric text. Most crucially, her readings show the ways that the poet uses the Roman story-world to undermine the presumed pro-Godwin slant of the prose sections; for example, she explicates the *VER*'s references to Polyneices and Eteocles and the House of Atreus to show how those references raise questions about fratricidal conflict and even cannibalism. As such, Tyler sees the *VER* as an "unstable" text with conflicting loyalties and judgments rather than a unified narrative celebrating the Godwins. In addition, Tyler argues for two other important and new understandings of the *VER*.

First, Tyler steps outside much of the current debate about the author of the *VER*; that debate, largely framed and defined by Frank Barlow in his editions of the *VER* (1984 and 1992), has focused on the Flemish monks Goscelin and Folcard as potential authors. With her focus on the poetry and its allusions to the Roman story-world, Tyler argues that the poet must be understood as "situated in the context of the famous Loire school" (137). She engages in extended discussion of both Folcard and Goscelin to show that neither of them could have written the *VER*, although it is evident that Goscelin (author of the prosimetric *Vita Edithae*, ca. 1080, also composed at Wilton Abbey) certainly knew it. Tyler thus sees Queen Edith, often figured as Dido (154) or as the allegorized Concord (185) in the classical allusions in the *VER*, to be calling on the most cutting edge of literary technique and style for the text narrating the rise of her birth family and the life of her husband.

Second, Tyler's analysis shows that Edith's immediate audience—the royal and aristocratic female residents of Wilton Abbey—did not support Edith's and the *VER*'s version of the events surrounding the Norman Conquest. Tyler's reading of Goscelin's *Vita Edithae* and *Liber Confortatorius* "reveals that Wilton was deaf to her [Queen Edith's] own presentation of herself as the chaste wife of the holy Edward. . . . her version of events, however striking from a literary and theological perspective, was ultimately unpersuasive" (232). Tyler's work shows Edith as an outsider even in the religious house that educated her; like much of post-Conquest England, Wilton was simply "eager to disassociate itself from the Godwine dynasty" (215).

England in Europe closes by extending the lineage of Emma and Edith throughout northern Europe in the eleventh and twelfth centuries. Tyler connects female literary culture, female literacy, and female literary patronage throughout England, Scotland, Flanders, Denmark, Kiev Rus', France, Lotharingia, and Normandy in the aftermath of the Conquest and ultimately to twelfth-century European literary culture as a whole. Throughout this monograph, she exposes the weaknesses of more traditional national or linguistic or masculinist categories in discussion of European medieval literature. This groundbreaking work reorients the conversation around eleventh- and twelfth-century literature in productive and provocative ways.

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Witches and Pagans: Women in European Folk Religion, 700-1100, by Max Dashu. Richmond, CA: Veleda Press, 2016. Pp. iv + 388; b/w illustrations. ISBN: 9780692740286 (paperback).

The first published volume in a planned sixteen-volume sourcebook entitled *Secret History of the Witches*, *Witches and Pagans* is the product of forty years of research on the part of independent scholar Max Dashu, and it shows. This book might best be characterized as an ethnolinguistic historical study, or even an act of linguistic textual archaeology. Taking an ethnohistorical approach focused primarily on a linguistic interpretation and analysis of early Celtic, Scandinavian, English, Frankish, and Germanic texts, Dashu has painstakingly traced and described the obscure, partially vanished, and often uncertain characteristics, relationships, and affinities of various female figures in the early medieval European folk tradition. The result of this decades-long effort is a richly dense and important, even indispensable, resource for scholars working in any field with an interest in women's culture in Europe (especially Northern Europe) during the period covered in this volume (the eighth to the twelfth centuries).

What sets Dashu's book apart from other studies focusing on women's culture in the early medieval period is that there is no overarching argument at its center, other than that the knowledge she has gathered together deserves to be preserved and disseminated beyond a narrow range of specialists working in scholarly fashion on the subject. This is a true sourcebook rather than a monograph. It is organized around a series of sometimes overlapping topics instead of by more formal chapters beginning with "The Webs of Wyrd," focusing on the women figures associated with Fate, and progressing to "Wyccecraft" (spinning and weaving magic), "Names of the Witch," "Völur" (diviners and seeresses), "Runes," "Cailleachan, Disir, and Hags" (divine hags and spirits), "The Witch Holda and Her Retinue" (focusing on night goddesses), "Witch Burnings," and "Voluspa" (the sybil's world prophecy in the Norse tradition). Each of these chapters, in turn, is organized into a series of sections, each of which deals with a particular aspect of the overall topic, and all of which feature material gleaned from source texts that are carefully documented. The source texts include extant medieval works, later books featuring descriptions of lost works from the period, and cultural studies that make use of primary sources, including archaeological artifacts and other material objects.

The value of this book for scholars is twofold. First, it serves as an introductory foray into the vast and historically underexplored world of women in early medieval European folk culture for new medievalists and people just beginning

work on the subject. Second, it serves as a one-volume resource for the quick location and review of the names and characteristics of the large variety of women figures associated with prophecy and witchcraft in Northern Europe during this time. As a sourcebook, it provides a valuable service in underscoring and supporting more theoretical and analytical work on women's lives in the folk tradition. While much of the material covered will not be new to specialists in medieval witchcraft and folk belief, the way Dashu groups figures together according to what medievalists might label "kind" may yield new insights into avenues of research that have not yet been undertaken or considered thanks to a dearth of evidence—for example, possible ways in which these figures traveled from one culture to another, or how they developed and changed in later iterations.

In keeping with a book that seeks to be accessible to a wider audience, Dashu avoids using complicated terminology and overly academic language. Her writing style alternates between impressionistic, offering a series of loosely connected examples grounded in the stories that preserve the women figuring at the heart of her work, and descriptive, offering definitions and specific linguistic references as needed. Whenever possible, she points her reader to the scholars whose work has uncovered or illuminated particular aspects of her subject. Quotations from primary sources are highlighted in bold print or accentuated by the use of a manuscript font. Critical apparatus in the print volume is kept to a minimum and comprises the chapter notes (mostly consisting of bibliographic citations), general bibliography, illustrations, and brief appendices to certain sections. The volume is illustrated with black-and-white line drawings of artifacts from the various cultures represented, handdrawn reproductions of medieval and early modern manuscript drawings and woodcuts, and public domain images from later works. At the end of the section on "Names of the Witch" Dashu includes a list of ethnic names for witches alongside their attributes and powers, and in the "Runes" section she includes a chart of the runes and their meanings. In addition to these printed aids, there are an online searchable index (www.veleda.net/witchesandpagans/index/) and digital glossary (www.veleda.net/witchesandpagans/glossary/). Dashu also includes a link to further commentaries at her own website, www.suppressedhistories.net/wtchesandpagans/commentaries/.

Experienced scholars may be frustrated by the minimal critical apparatus of the book and by the fact that all chapter notes refer solely to author's last name and page number, so that any individual note must be painstakingly searched out in the bibliography. A few sources noted in the chapter notes do not appear

in the bibliography. For a project that has been in production for forty years, such accidental omissions are understandable. Scholars teaching and writing about early medieval folk beliefs, Northern European literature and culture, women in medieval literature, and women's culture in early medieval history will find this resource particularly useful both for their students and themselves as an introduction to organizing and considering the many figures and forms of women in pagan and early Christian societies. Having read and been alternately perplexed, intrigued, and absorbed by it, I cannot now imagine not having *Witches and Pagans* on my shelf to turn to on a regular basis for information, for inspiration, or for a reminder of how much work has been done, yet how much material there is still left to uncover in terms of women's influence, work, and presence in history. I look forward to the publication of further volumes in this series.

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Defiant Priests: Domestic Unions, Violence, and Clerical Masculinity in Fourteenth-Century Catalunya, by Michelle Armstrong-Partida. Ithaca, NY: Cornell University Press, 2017. Pp. 392. ISBN: 9781501707735.

In the later eleventh century, Western European monks convinced high-ranking secular clergymen that the *vita regularis* (living under a monastic rule) provided better guidance for spiritual leaders, especially in fostering humility and celibacy. Integrated into the norms henceforth upheld by the so-called Gregorian Reform movement, clerical sexual mores diverged from those that continued to hold sway in Christian traditions further east, affecting the status of women, marriage, procreation, and progeny. By many accounts, this interpretation of *imitatio Christi* remained dominant in the Catholic Church until and well beyond the Protestant Reformation, showcasing the Roman curia as a major (bio)power broker already before the crusading era. In the history of sexuality specifically, this transition encapsulated the ultimate emasculation/feminization of priests or, according to another line of thought, the creation of a third gender.

Reformers were certainly successful in eliminating marital practices—even chaste ones—from the ecclesiastical social landscape. But the formal prohibition on contracting marriages did not translate uniformly into the suppression of concubinage, that is to say an informal but committed form of cohabitation. Such domestic partnerships could and often did lead to establishing a fully-fledged family household, which required the management and inheritance of shared property and strategizing about the future welfare of the couple's offspring. Evidence for these practices is scarce for northwestern Europe, but has been occasionally traced for the Italian peninsula and now, thanks to Michelle Armstrong-Partida's compelling study, for fourteenth-century Catalunya as well. Here, too, what should have been a relic of the Church's deep past, was in fact commonly practiced and widely tolerated, not only by the communities in which priests and their spouses and children lived, but by the very ecclesiastical authorities that monitored them during routine visitations.

That much becomes abundantly clear from the evidence amassed and ably marshalled in *Defiant Priests*, which takes the reader on a vivid tour of priestly households across the region's numerous towns and villages. Away from Rome and other wealthy centers of Christian learning, theological constructs of spiritual athleticism, based on an ability to conquer one's pride and bodily desires, melted away before entrenched attitudes to manhood. These included, alongside a celebration of virility and fertility, the fostering of pugnacity and economic prowess. In the real world occupied by urbanites and rustics, a *pater*

familias worth his salt was expected to acquire and defend a superior role both within and beyond his church by other means than turning his other cheek. In other words, clerics, like laymen, remained (hetero)sexually active and (much like monks and friars as well) routinely engaged in verbal confrontations with coreligionists, neighbours, women and children, and fought physically (though rarely to the death) to assert their dominance in different walks of life.

Ecclesiastical legislation from the region and especially the visitation records Armstrong-Partida examines paint a very earthly, if admittedly partial, picture of male pastoral leadership in the later Middle Ages. Yet rather than falling into the easy trap of moral judgment, the author develops a sociological explanation for why clerics emulated and perpetuated traditional forms of masculinity, namely "because they were so pervasive throughout medieval society and were more powerful than the Church ideological creation of clerical masculinity that eschewed physical violence" (251). In other words, low-ranking clergymen really had little choice but to act this way, if they wished to secure their place in society. More than a few didn't, however, even if we were to accept the author's insistence that the evidence from visitation records is merely the iceberg's tip. Moreover, if clerics' social-Darwinist drives were so strong, and the hand of diocesan officials so weak, what were these priests in fact defying, except perhaps an ideological construct of an all-powerful and homogenous Church that was nearly irrelevant in this place and time? Armstrong-Partida almost makes it seem as if the real defiant priests in Catalunya were those who obeyed canon law, as numerous clerics openly lived in carnal sin, carried weapons, and shed blood, for which they were in effect taxed rather than punished.

At any rate, the gender perspective developed by *Defiant Priests* is important. It brings to light another instance in which a medieval male establishment vehemently rejected female agency. As the author notes in critiquing her key sources, women are routinely described in legal and visitation records as passive objects upon which clerics asserted their dominant social position across and beyond Catalunya. Women were certainly loved and admired, their companionship sought and their wombs prized, but they were also threatened, beaten, raped, kidnapped, sequestered, and abandoned with relative impunity. On the other hand, as Armstrong-Partida convincingly demonstrates, it is possible to read against the grain of officialdom's records in at least two interrelated ways. In the first instance, the degree to which actions described in the sources as placing women in utterly subordinate roles is quite likely glossing over or indeed reacting to the events' transactional nature. After all, entering a *de facto* marriage with a priest meant living under emotional, sexual, social, and material

conditions widely recognized by the surrounding community as normative and even desirable. Indeed, in certain ways a *mater familias* of a clerical household could exercise significant power in one of the most prominent homes of a given community, and in this sense such women were far more common than abbesses. To achieve this admittedly precarious position, let alone maintain it, would have certainly required constant negotiation and ingenuity, not just victimhood and passivity. Secondly, the traditionalism of lay and clerical culture, at least in the Catalunyan countryside, meant that women, and especially fertile women, reinforced masculine identities without necessarily reducing their bodies to a battleground of manhood or a stage of masculinity.

In sum, *Defiant Priests* is an absorbing work of social history and gender identity. Readers will be able to enjoy it in full, or access its clearly demarcated sections on domesticity (chapters 1-3) and violence (chapters 4-6) as major constituents of medieval masculinity that straddled lay and clerical cultures, to the extent that the two realms could actually be set apart. The prose is lucid, although individual chapters lack sufficient subsections to facilitate smoother navigation, and the book as a whole is somewhat repetitive. The author's insightful reading of visitation texts as sources for the history of masculinity and female agency contrasts with their occasional acceptance as objective truths rather than constructions or strategic allegations, and plays down the active role that diocesan scribes, canon lawyers, and bishops played in fitting witness testimony into neat and prosecution-friendly charges. Finally, unlike women's agency, which the book willingly explores, children's agency is largely neglected, perhaps unwittingly rendering them passive objects mostly shaped by their fathers' (mis)behavior, but never their mothers' compliance or resistance.

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The Silk Industries of Medieval Paris: Artisanal Migration, Technological Innovation, and Gendered Experience, by Sharon Farmer. The Middle Ages Series. Philadelphia, PA: University of Pennsylvania Press, 2017. Pp. 354. ISBN: 9780812248487.

As Hilary Mantel recently stated in her 2017 BBC Reith lecture, "Evidence is always partial. Facts are not truth, although they are part of it—information is not knowledge. And history is not the past—it is the method we have evolved of organizing our ignorance of the past. It's the record of what's left on the record." Sharon Farmer's study of the silk industries of medieval Paris is an excellent showcase for this truth. Based on close analysis and the reading of a variety of forms of documentation, including the Parisian guild statutes and tax assessments, royal and aristocratic account books and inventories, as well as multiple narrative sources, including court records and miracle stories, Farmer reconstructs an intriguing picture of how Paris's medieval silk industries were organized and the role that immigrants and women played in them.

Among her aims is to build a case for the role that foreign immigrants played not only as workers and mercers in the new Parisian silk industry of the thirteenth century, but also in establishing these industries by encouraging artisans from other silk-producing centers to emigrate to Paris. Another aim is to chart women's involvement as mercers and artisans, revealing the gendered divisions within silk production, while also framing this discussion within the context of women's work and economic interactions in the later Middle Ages.

Each chapter begins with a narrative extrapolated from a document or set of documents, which then sets the stage for the subsequent analysis. Chapter 1 looks at the presence of immigrants in Paris, examining the roles that royal and aristocratic intermarriage, the universities, and foreign bankers played in attracting both elite and artisan immigrant populations and the degrees to which these various populations were assimilated within Parisian society. Chapter 2 describes the process of making luxury silk textiles, tracking the international trade networks that were involved as the cocoon was eventually transformed into finished products. Supported by illustrations from Renaissance treatises, this chapter also establishes the status of Parisian luxury silk products within Western Europe. What is particularly fascinating about this chapter is how Farmer reconstructs the specific technical processes and the peoples involved, given the rather sparse information that is offered in the Parisian guild statutes themselves. Just as Richard and Mary Rouse did for Parisian manuscript production, Farmer mines the rich information to be gleaned from the tax assessments to excellent results both here and in the subsequent chapters.

In chapter 3, Farmer attempts to build a case for the role that immigrant mercers may have played in introducing new technologies and practices to Paris by inducing skilled artisans from their home regions to immigrate. As the documents are particularly sparse, much of the argument is necessarily circumstantial, built primarily on evidence of physical proximity between groups of artisans and mercers within the Parisian neighborhoods where the silk industries were located as revealed by the tax assessments. Farmer is on surer ground in chapter 4, which will be of particular interest to feminist scholars, as it analyzes the gendered divisions within the Parisian silk industry in which women represented around 80% of the workforce, making it the predominant Parisian industry in which women were professionally active. Indeed, Farmer demonstrates how these industries offered tremendous opportunities for women both economically and in regards to leadership and status. Unlike other silk-producing centers, the legal and economic environment of Paris offered unique opportunities for women to be involved at all levels of production and retail, from the highest-status positions as mercers and agents interacting with elite patrons, to the humblest artisanal worker. Certain processes were exclusively executed by women—including throwing, veil-making and gold-spinning—and were at the lowest economic rung, whereas gold-beating, dying, and weaving "*draps de soie*," velvet, and cloth of gold were much higher-status and more lucrative occupations and were almost exclusively male-dominated, although women were sometimes active in these professions as well. The tax assessments reveal that women silk workers paid far lower taxes than their male counterparts, indicating much lower economic status. As Farmer points out, they were still better off than the majority of Paris's population, which was exempt from paying taxes due to poverty. Farmer also looks at the structure and authority of the guilds associated with silk production, two of which were exclusively female: the makers of *tissus de soie*—which Farmer argues is linked to narrow ware-woven and embroidered silk products and some monochromatic silk textiles—and the makers of head coverings (veils, wimples, *cendal*, etc.). While these guilds had less autonomy and fewer rights of self-governance compared to the higher-status guilds, they nonetheless offered rare opportunities for female leadership and acknowledgment of expertise. Also, while makers of high-end luxury textiles, such as "*draps de soie*," velvet, and cloth of gold were exclusively male, women could also be involved in dying, gold-beating, and selling gold thread, lace making, and as mercers. Indeed, the tax assessments reveal that the few women who were mercers paid on average higher taxes than their male counterparts.

In the final chapter, Farmer looks at the relationships between the most

vulnerable and marginalized populations in the Parisian silk-working industry: Jews, foreign moneylenders, and women. Although her case relies on too few records to draw any certain conclusions, she does find intriguing clues to suggest that female silk workers at the lowest rungs participated in Paris's credit economy particularly through the agency of female Jewish pawnbrokers. The book concludes with a series of very useful and fascinating appendices that lay out the names, gender, neighborhood, guild membership, and tax assessments levied against Parisian silk workers. While this study could have benefited from even more illustrations detailing the technical processes—and colored plates of extant silk textiles would have been particularly welcome—this book provides a fascinating look at the economic lives of late medieval artisans, particularly women and foreigners, which will be of interest to a wide variety of readers.

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Clare of Assisi and the Thirteenth-Century Church: Religious Women, Rules, and Resistance, by Catherine M. Mooney. Philadelphia: University of Pennsylvania Press, 2016. Pp. 291. ISBN: 9780812248173.

The thirteenth century witnessed the emergence of great religious diversity among the urban laity throughout medieval Europe. Groups of lay penitents, such as the beguines, humiliati, and the Franciscans, espoused virtues stressed by the *vita apostolica* in their observance and performance of poverty, chastity, and charity. Conversely, these groups attracted the attention of ecclesiastic authorities who sought to conform them to traditional monastic forms of life as outlined by the Fourth Lateran Council in 1215. It is within these religious and cultural contexts that Catherine M. Mooney situates her study of the experiences of Clare of Assisi and her community of San Damiano.

Mooney's work focuses on the conflicts between Clare's community of San Damiano and the papacy in order to highlight the women's motivation to define their way of life. This monograph is not to be mistaken for a biography of Clare or merely a comprehensive study of her life in San Damiano. Rather, Mooney successfully presents her analysis of Clare and San Damiano as microstudies in understanding the broader phenomenon of religious diversity and papal responses to it in the thirteenth century (5). Mooney reframes San Damiano as one among the many female penitential communities that insisted on following the principles of the *vita apostolica* and resisted papal initiatives to regularize their way of life. This reframing is revolutionary in itself because it emphasizes the actions of female penitents in preserving and negotiating their form of life in the broader context of the penitential movement in Italy.

Crucial to Mooney's methodological approach is her use of Clare's life as both the chronological and structural framework of the entire book, beginning with her birth in 1193 and ending with the year of her death in 1253. The book is divided into nine chapters that correspond with times in Clare's life that the author considers important milestones for the community of San Damiano. These periods include the women's relationships with Francis and his brothers and their interactions with Popes Gregory IX and Innocent IV. Together, the chapters encapsulate the prominent presence of penitential communities in Italian urban centres and their determination to define their religious way of life according to their own terms. Although Mooney's emphasis on Clare and her community's resistance to papal efforts to conform them to traditional monastic forms of life is well-established in the historiography, her work offers invaluable insights about the nature of the conflicts between Clare and the papacy. Her

study stresses the contributions of individuals whose actions shaped the directives of the papacy towards San Damiano. Consequently, Mooney's examination of the social networks of Clare's community of San Damiano highlights the joint efforts of penitential communities in resisting the forms of life that the papacy imposed on them.

Mooney's methodology directly affects her choice of sources. She consults texts that are either contemporary with Clare's life or composed shortly after her death. Mooney reevaluates sources that have been traditionally used by Franciscan scholars in their work to provide a historical narrative of Clare and her community. However, Mooney considers the significance of these sources in Clare's life and the social context of the thirteenth century. An example of this is Jacques de Vitry's letter from 1216, which Mooney explains has been interpreted by several historians as one of the earliest documents to refer to Clare and her community of San Damiano. However, Mooney argues that Jacques's use of the phrase "lesser sisters" in his letter referred more broadly to female penitential communities throughout Italy, rather than San Damiano, specifically (47). Mooney arrives at this conclusion by considering the historical context of the document in relation both to thirteenth-century Italian urban religious life and Clare's own experiences. Mooney consistently considers these factors and applies these methodologies in her meticulous examination of the language and structures of medieval texts throughout the monograph.

Moreover, Mooney's focus on sources that are contemporary or near-contemporary to Clare allows her to incorporate texts that have not been central in previous studies of Clare and her life in San Damiano. One example of this is the Acts for Clare's canonization from witness testimonies of her sisters from her community. The author selects testimonies from the Acts that were given shortly after her death. Mooney recognizes that although these witness statements are hagiographical, they contain information about Clare's early life, including the year of her birth, that is not present in other sources (17). Her examination of the historicity of hagiographical accounts of Clare not only contributes insights about Clare's early life, but also privileges the testimonies provided by women who were closest to Clare when she was alive.

The most notable sources that Mooney incorporates in her study are the letters of Innocent IV to Rainaldo of Jenne and Rainaldo's own letters to monasteries of the Order of San Damiano. The use of these letters is one of the monograph's contributions to the historiography of the penitential movement in Italy, as these letters have been long overlooked by historians. In examining these letters, Mooney constructs a new narrative concerning Innocent IV's failure

to place the *cura monialium* on the Lesser Brothers. She asserts that contrary to the traditional narrative provided by Franciscan scholars in attributing the failure of Innocent's *forma vita* to Clare, it failed because Rainaldo threatened to abdicate from his responsibilities as cardinal protector of both the Orders of San Damiano and Lesser Brothers (156-58). This forced Innocent to retract his imposition of the *cura monialium* on the brothers and, essentially, his forma vita on female penitential communities, including San Damiano (159). Mooney's analysis of Rainaldo's role in rejecting Innocent's forma vita not only stresses the discontent of the Lesser Brothers with respect to the *cura monialium*, but also places Clare and the women of San Damiano within a broader network of penitential communities who resisted papal initiatives to regularize the penitential movement in Italy.

Mooney's work is compelling and is an important contribution to Franciscan scholarship. As she demonstrates, penitential communities were diverse in the thirteenth century. However, Mooney also emphasizes that common among them was their insistence upon determining their own form of life amid interference from ecclesiastic authorities that sought to regularize them. Therefore, beyond the study of Clare and the penitential movement in Italy, the monograph also raises questions about the experiences of female penitential communities in other regions in medieval Europe, such as the Low Countries and France.

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The Pleasant Nights by Giovan Francesco Straparola. Edited and translated by Suzanne Magnanini. The Other Voice in Early Modern Europe: The Toronto Series, 40. Toronto, ON: Centre for Reformation and Renaissance Studies; Iter, 2015. Pp. xxiii+501. ISBN: 9780866985369.

First published in Venice in two volumes in 1550 and 1553, *The Pleasant Nights* (*Le Piacevoli Notti*) recounts thirteen nights at the Carnival of Venice. Much like its predecessor, Boccaccio's *Decameron*, it is a frame story. Straparola's work consists of tales told at the palace of Princess Lucretia at Murano in order to pass the time, and similar to Boccaccio, he dedicates the work to "pleasant and lovely ladies." Each night's stories exhibit a wide variety of forms: novelle such as were found in the *Decameron*, magical tales, and translations from Girolamo Morlini's Latin *Novellae* (1520). An added feature for each tale is an enigma or riddle, often taken from earlier sources. *The Pleasant Nights* are considered one of the earliest collections of European vernacular fairy tales. Not much, however, is known about Straparola. Even his name, which means "one who talks too much," gives us no information. As a result, we only know him from the two works that he published (*The Pleasant Nights* and a *Canzoniere*). Although his work was immensely popular in its time, it is only in the last twenty years or so that there has been a new interest in this work.

The publication of Magnanini's translation comes three years after Don Beecher's edition of *The Pleasant Nights*, in which he provides thorough commentaries on each story, a well-researched introduction, and several appendices on provenances, folktale types, and illustrations from various editions. Beecher, however, uses what has been the standard translation, that of W. G. Waters, first published in 1894. Beecher edited and retranslated some of the more egregious problems of the Waters translation, but his basic text is Waters's version. It is thus a delight to come upon Magnanini's new translation, using the excellent 2000 Italian edition of Donato Pirovano as its basis. Wanting to make *The Pleasant Nights* accessible to a wide audience, Manganini has produced a more readable translation. Its English is more fluid and contemporary and is more faithful to the Italian. In a sense, it leaves out the flowery language that Waters uses. For example, in the first story, after his father dies, the character Salardo "diterminò di prendere moglie." Waters translates this phrase as "he went in hot pursuit of a wife," whereas Magnanini sticks closer to the original with "he resolved to take a wife." We are thus able to read the text without the flowery Victorian overtones often found in Waters. Another strength of her edition is that she allows us to compare her translation of the riddles (which are particularly interesting) to the Italian, which she puts in footnotes. Beecher's edition does not have this feature.

Magnanini's's introduction is particularly strong. She introduces the reader to the history of the work and its social setting. Stories such as those found in *The Pleasant Nights*, she notes, were popular in sixteenth-century Venice, the center of the book trade.

Most importantly, she traces its relationship to the fairy tale tradition, which, she points out, has deep ties to women and femininity. She explains that Straparola allows his female narrators to carry on a "querelle des femmes" with their male companions. Taking place during Carnival, a time when gender roles are blurred, they are able to challenge patriarchal authority. She argues that he uses "feminized fairy tales" to give the novella tradition "literary legitimacy." Using the example of one of the most interesting stories in the collection, that of a hermaphrodite, she shows how he introduces "a truly other voice, a voice that, although feminized, is never completely female" (2). Magnanini explains that Straparola's storytellers, all women, are educated: they know Latin and have read Boccaccio and Petrarch.

Putting Straparola's work in the wider European tradition, Magnanini explains that nearly all of the fairy tales published in Italy in this period were written by men. The stories inside the frame have a female narrator, but they are not the authors of such collections. The situation was far different in France, she notes. Straparola was used as a model in the 1690s by French women, who credit *The Pleasant Nights* as the source of their own stories. Manganini asks the question of why French women were fascinated by this work when Italian female writers largely ignored the genre. She contends that Straparola stresses the French image of sophisticated women rather than "the domain of old crones spinning tales around the hearth" (7). Although his women are placed within a domestic space, they tell lively, intelligent stories, which presents a kind of ambiguity, she notes, in what they speak about and the social values they are supposed to follow. In the end, despite the challenge to patriarchal authority, traditional female values win out. Although the women have the opportunity to denounce misogyny, they accept gender roles.

Manganini's intent is to show "how Straparola's particular engagement of issues of gender shapes the tradition of the literary fairy tale inside and outside of Italy" (8). In focusing on the ways in which he highlights women, she has significantly added to our understanding of fairy tales, and, in particular, of an author who has not been widely read. Its fluid translation makes it an easily accessible text for teaching, and its insightful introduction will be of great assistance to all scholars working in this field.

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Joan, the Fair Maid of Kent: A Fourteenth-Century Princess and her World, by Anthony Goodman. Woodbridge: Boydell Press, 2017. Pp. 244. ISBN: 1783271760.

In writing the first full-length biography of Joan of Kent, Anthony Goodman has done a great service to scholars in a wide diversity of fields. Chaucerians will appreciate the insight into one of the most important figures at the English court during Chaucer's life. Political historians will find much here to enlighten them as to the intricacies of late Plantagenet politics. And, for those who study gender, this study will prove an invaluable window into the life of a vibrant and active medieval woman, one who frequently reshaped the restrictions of her social circumstances to serve a greater set of her ambitions. Indeed, the fact that there had not previously been a biography of Princess Joan—despite the numerous biographies of her husband, father, and son— represents a disquieting testimony to the way in which the discipline of medieval studies has accepted the marginalization of female authority found in the witness of medieval chronicles as fact, without reference to the biases that render such assessments much closer to fiction.

For Princess Joan was undoubtedly an important political actor in her time, as Anthony Goodman makes clear. Countess of Kent in her own right, Princess of Wales and Aquitaine, and mother to the King of England, Joan not only stood near power all her life, but also actively influenced its incarnations. Moreover, her prominent social and political positions meant that we have significant historical documentation for Joan's life. As Goodman notes, the Princess appeared not only in the forms of domestic documentation that archive the lives of many medieval women, but also within chronicle accounts of warfare, rebellion, and political crisis. Jean Froissart and his historiographical peers dramatized Joan remarkably often; she was the weeping, courtly lady whose loving scene upon her husband's departure preceded the account of his battle, the weeping widow who honored his memory in death, and the loving mother who stood by her young royal son in the face of rebellious peasants.

One of the strengths of Goodman's book is that he ties together Joan's strong presence in the historical record with the larger historical contexts that shaped her life. While many readers will be familiar with the events of Joan's time as royal mother, her childhood as the daughter of the executed Earl of Kent may be more unexpected. Goodman does an excellent job tracing out the complicated, vacillating loyalties of the court of Edward II and that of the young Edward III, controlled by Queen Isabella and Roger Mortimer. Moreover, his

sense of history is one of reverberation and resonance; Joan's martyred father and disordered childhood echo throughout the book with sensitivity and poignancy. While scholars often encounter Joan in the finite, discreet punctuations of her life—as in the 1381 rebellion, for example—Goodman reflects upon the longevity of her life to argue that she served as a force of continuity, a living tie between the political crises of Edward II's reign and those of her son, Richard's. Goodman contrasts moments of change and loss with the long scale of Joan's life, and thus the story he tells is able to encompass both dramatic events of national consequence and smaller, more personal ones, such as the 1379 death of Isabella de Coucy, Countess of Bedford, whom he identifies as one of Joan's last links to the court of Edward III. Goodman's book is rare, as well, in treating Joan's daughters, Maud and Joan Holland, as significant figures in the Ricardian political world, a historiographical development that is long overdue.

Yet, in faithfully following the chroniclers, Goodman allows the stereotypically feminine pursuits of love, romance, and sexual intimacy to dominate Joan's story to an unfortunate degree. This is somewhat understandable; it is not for the humble biographer to resist, perhaps, the lure of notorious love. And, Joan's marriage to the Earl of Salisbury while already married to Sir Thomas Holland certainly shaped how her contemporaries viewed her. But I wish that youthful indiscretion had shaped *Goodman's* interpretation of her less. Goodman identifies Joan as an impulsive romantic, carefree of the world's strictures, due to her two secret marriages. But surely, that first bigamous marriage could as easily be seen as an ambitious twenty-six year old knight taking advantage of an eleven- or twelve-year-old girl with connections to the royal family. Likewise, the evident affection in Joan's illicit marriage to Prince Edward does not necessarily exclude sexual calculation on her part in marrying the heir to the English throne. What Goodman calls romance, I would argue, could as easily be called the intersection of sexual coercion with an increasingly destabilized class structure.

Goodman's book would also benefit from a more intersectional approach to gender. His Joan lived in, he claims, a time with new opportunities for women to break the rules, if they had enough wealth, beauty, and family connections to shield them from consequence. Yet he minimizes the effect on Joan's life of other social changes, such as the rise of the middle class and the Wycliffite heresy. The evidence, as Goodman himself notes, nevertheless points to Joan being deeply affected by these changes. Her associations with Michael de la Pole—the former wool merchant turned Earl of Suffolk—speaks to a comfort with men of non-aristocratic origin; her intervention to protect John Wyclif

from prosecution and her friendship with Lollard knights, including Sir Lewis Clifford, speaks of a willingness to entertain non-Orthodox views, or at least their adherents. Goodman explains these moments away, concluding that Joan simply did favors for John of Gaunt, but such an argument minimizes Joan as an intellectual actor in her own right. He argues that she was in favor of nontraditional romantic innovations, but his evidence speaks of a woman with far more diverse interests and allegiances.

In this, his last book, Anthony Goodman offers a powerful testament to the significance of Joan of Kent as a political actor in fourteenth-century England, and a meticulous documentation of how pervasively her impact on the royal court was felt and acknowledged within her own lifetime. If his evaluation of the Princess privileges romance too profoundly over the dynamics of ambition, class change, and religious critique, it nevertheless provides a crucial picture of an active, energetic, and influential woman, and a thoughtful commentary upon the consequentiality of the medieval women who still lurk in the archives, their biographies as yet unwritten.

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